

**Exhibit C**

1  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
AWILDA GOMEZ,

Plaintiff,

-against-

07 CIV 9296

VILLAGE OF SLEEPY HOLLOW, DETECTIVE JOSE QUINOY IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, POLICE OFFICER ELDRYK EBEL IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, POLICE OFFICER MIKE GASKER IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, LIEUTENANT BARRY CAMPBELL IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, LIEUTENANT GABRIEL HAYES IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, SERGEANT WOOD IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, CHIEF OF POLICE JIMMY WARREN IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, AND POLICE OFFICERS JOHN DOES 1-4,

Defendants.

----- X  
HELD AT: Joseph A. Maria, P.C.  
301 Old Tarrytown Road  
White Plains, New York 10603  
February 26, 2008  
10:25 a.m.

Examination before Trial of the Plaintiff, AWILDA GOMEZ, pursuant to Court Order, held at the above time and place before a Notary Public of the State of New York.

J & L REPORTING SERVICE  
of Westchester, Inc.  
200 East Post Road  
White Plains, New York 10601  
(914) 682-1888  
Lisa Dobbo, Reporter

IT IS HEREBY STIPULATED AND

AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND

AGREED, that all objections, except as to form, are reserved to the time of trial.

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# A P P E A R A N C E S:

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BY: BRIAN S. SOKOLOFF, ESQUIRE

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A. GOMEZ

AWILDA GOMEZ, residing at 1  
River Plaza, Apartment 4E,  
Tarrytown, New York 10591,  
having been duly sworn by  
Notary Public, Lisa Dobbo  
testified as follows:

8 EXAMINATION BY MR. SOKOLOFF:

9 Q. Please state your full name for  
10 the record.

11 A. Awilda Gomez.

12 Q. Please state your address for  
13 the record.

14 A. 1 River Plaza, Apartment 4E,  
15 Tarrytown, New York 10591.

16 Q. Good morning, Ms. Gomez. My  
17 name is Brian Sokoloff. I'm with the law  
18 firm Miranda, Sokoloff, Sambursky, Slone,  
19 Verveniotis and we represent the defendants  
20 in this lawsuit that you've brought.

21 I'm going to be asking you some  
22 questions here today. If, at anytime, you  
23 don't understand a question that I ask, will  
24 you let me know?

25 A. Yes.

5

A. GOMEZ

Q. Similarly, if, at anytime, you need to take a break, let me know and that won't be a problem.

A. Yes.

Q. Are you completely fluent in English?

A. Sometimes I have a problem with understanding but I understand a lot. It depends. You use English very, you know, professional and maybe I don't understand the word but I understand -- normally I understand normal English.

Q. Would you feel more comfortable if I took your testimony with a Spanish interpreter?

A. No, I think I do in English.

Q. If you don't understand a question --

A. I tell you.

Q. Because you'll agree that anybody that will read this transcript can assume if you answer the question it meant you understood it; right?

A. I understand you, yes.

6

A. GOMEZ

Q. Okay.

Are you currently employed?

A. I'm not working.

Q. When is the last time you worked?

A. On February 27th, 2007.

Q. What happened on that date that caused you to stop working?

A. Well, that day is not the day it happened when they find in the newspaper that I involved in this situation. They read in the newspaper that I have a problem with the police department. That's when the problem coming and they terminate February 27th, put me out on my job, Family Service of Westchester. That's the organization that I work at the time.

Q. What did you do for Family Service of Westchester?

A. Family advocate and volunteer coordinator.

Q. What were your duties and responsibilities?

A. With family advocate I have

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A. GOMEZ

responsibility talking with the parents, help parents when they need information and going to the reunion with the parents. Sometimes they need help in English and I translate; volunteer coordinator that I do, I collect donation for the family, food, clothes, all type of donation for Thanksgiving, Christmas toys. That's my -- sometimes I help in the room where assistant teachers aren't there in the room. I stay in the room with the kids, too. That's what I do.

Q. How long did you work there?

A. Nine years.

Q. Who was it that told you that you were not going to work there anymore?

A. Barbara Sommers. She's in charge of the program, and Heather, she's my supervisor at the time.

Q. Barbara Sommers?

A. Yes.

Q. S-O-M-E-R-S?

A. Yes.

MS. MARINELLI: I think two

8

A. GOMEZ

M's.

A. Yes, two M's.

Q. What's Heather's last name?

A. Batanor, B-A-T-A-N-O-R, I think.

Q. Heather was your supervisor?

A. Yes.

Q. Barbara Sommers was what?

A. She's in charge all the program, Head Start program.

Q. So, how did you learn that you wouldn't be working there anymore?

A. That day when the newspaper coming out, November 2nd, they made a meeting with me and they tell me they think this is not good for the position that you have for Family Service, is not good see me in the newspaper, the parents see me and somebody asked me what happened, they tell me try to be -- don't say nothing about the situation that happened with the police department in Sleepy Hollow.

Q. There was a newspaper article on November 2nd?

9

A. GOMEZ

A. November 2nd and November 3rd,  
two articles.

Q. November 2nd and 3rd of what  
year?

A. 2007.

MS. MARINELLI: No, 6, you  
mean.

MR. SOKOLOFF: Wait, wait,  
wait. You can't --

MS. MARINELLI: Sorry. Well,  
we want the record clear.

MR. SOKOLOFF: No, we want her  
testimony.

A. Yeah, 2006; sorry.

Q. What newspaper?

A. Journal News.

Q. You have copies of those

articles?

A. No.

Q. Did you know that these  
articles were going to be in the newspaper  
before they were actually in the newspaper?

A. No.

Q. What did the articles say?

10

A. GOMEZ

MS. MARINELLI: Just note my  
objection. I think this is a  
deposition on qualified immunity. I  
think you're going beyond the scope  
of it.

MR. SOKOLOFF: How?

MS. MARINELLI: Talking about  
qualified immunity here, not talking  
about damages.

MR. SOKOLOFF: I'm not talking  
about damages.

MS. MARINELLI: This does run  
into the field of damages.

MR. SOKOLOFF: If there's an  
article and she may have been quoted  
in the article and, I don't know, it  
may go to qualified immunity. I'm  
not asking how much money she made.

MS. MARINELLI: Why don't you  
ask her --

MR. SOKOLOFF: First I'll find  
out if she knew about the article.

MS. MARINELLI: She already  
told you no. We have gone into

11

A. GOMEZ

questions I think are beyond the  
scope of qualified immunity.

I'm going to object and I'll  
let her answer. I'm asking that you  
try to stick to the --

MR. SOKOLOFF: This deposition  
is five minutes old. I have not  
asked one question on damages.

MS. MARINELLI: You haven't  
asked one question on qualified  
immunity.

MR. SOKOLOFF: I'm just getting  
started.

MS. MARINELLI: Are you going  
to ask for another deposition of this  
witness?

MR. SOKOLOFF: I'm going to ask  
for whatever the federal rules allow.

MS. MARINELLI: At some point  
we may have to call the court, but  
you can answer the question.

MR. SOKOLOFF: There is no  
question.

MS. MARINELLI: I thought there

12

A. GOMEZ

was.

MR. SOKOLOFF: Is there a  
pending question?

(Whereupon, the reporter read  
back the requested material.)

Q. What did the articles cart  
calls say?

MS. MARINELLI: Objection.  
You can answer.

A. The article talking about the  
incident with police department, with Jose  
Quinoy. They say they have romantic  
relation with my daughter and talking about  
what happened on the night my husband and me  
there. That's what the article say. I no  
remember clear exactly what they say, and  
the second article talking Jose Quinoy  
talking about he know my family for years,  
more than ten years. That's what the  
article say, the charge they put me, I be  
arrested. They say what charge I have and  
Mario and they talking about -- that's what  
I remember.

Q. Did you read the article before

13

A. GOMEZ

1 you were told about it on the job?

2 A. No.

3 Q. Are you currently married?

4 A. Yes.

5 Q. Who is your husband?

6 A. Mario Gomez.

7 Q. Do you live with him?

8 A. No.

9 Q. When is the last time you lived  
10 with him?

11 A. May last year. I no remember  
12 exactly the day.

13 Q. May of 2007?

14 A. Yes.

15 Q. Somebody moved out?

16 A. He move.

17 Q. Are there any legal proceedings  
18 between you and Mario Gomez at the present  
19 time?

20 A. Yes.

21 Q. Somebody suing somebody else?

22 A. No, no.

23 Q. What is the legal proceeding?

24 A. No, no proceeding. I have

14

A. GOMEZ

1 legal separation. That's what I have.

2 Q. You have a written Separation  
3 Agreement?

4 A. Yes.

5 Q. When is the last time you saw  
6 or spoke to Mario Gomez?

7 A. Last year.

8 Q. When last year?

9 A. I no remember.

10 Q. When you say last year, you  
11 mean in 2007?

12 A. In 2007, yes.

13 Q. Was it in the first half of the  
14 year or second half of the year that you  
15 last spoke to Mario Gomez?

16 A. Second half of the year, yeah.

17 Q. What was the substance of the  
18 communication?

19 A. About my children.

20 Q. You have your children?

21 A. Yes.

22 Q. How many children do you have?

23 A. Three daughters.

24 Q. What are their names?

15

A. GOMEZ

1 A. Haydee, H-A-Y-D-E-E Gomez,  
2 Stephanie Gomez and Bridgette Gomez.

3 Q. They all three live with you?

4 A. No now. Haydee live with me;

5 Stephanie, Bridgette, they go to University.

6 Q. Stephanie lives in the

7 University?

8 A. Yes.

9 Q. What University?

10 A. Binghamton University.

11 Q. What year is she in?

12 A. Excuse me?

13 Q. What year in school?

14 A. This is the second year in the  
15 school.

16 Q. And Bridgette, what school is  
17 she in?

18 A. Duke University, first year.

19 Q. Do you know who you're suing in  
20 this case?

21 A. Yes.

22 Q. Who?

23 A. Jose Quinoy, Ebel, something  
24 like that. I'm not very familiar with the

16

A. GOMEZ

1 police department, okay; Gasker, Jimmy  
2 Warren, Campbell, Lieutenant Hayes. I think  
3 I have two more. I don't know the names,  
4 really. That's the persons I really know.

5 Q. Spell the name of the  
6 lieutenant, please.

7 A. Hayes, something like that.

8 I'm not familiar with nobody in the  
9 department.

10 Q. Did you ever meet any members  
11 of the Sleepy Hollow Police Department  
12 before the incident that you're suing about?

13 A. No.

14 Q. Do you know if your husband  
15 knew any members of the police department?

16 A. I don't know anything about my  
17 husband.

18 Q. You don't know anything about  
19 your husband?

20 A. I don't know that he have -- I  
21 no see. I not living with him. I don't  
22 know what happened to him.

23 Q. Well, how long were you married  
24 to him?

17

A. GOMEZ

A. Twenty-three years.

Q. You lived together with him twenty-three years?

A. Yes, but he have no problem before. I don't know --

Q. Were you ever arrested before?

A. No.

MS. MARINELLI: Just note my objection.

Q. What is the date of the incident that you're suing about here?

A. The incident October 17th, 2006.

Q. What day of the week was that?

A. Tuesday.

Q. What happened on that date?

MS. MARINELLI: Just objection.

MR. SOKOLOFF: I'll rephrase the question.

Q. Did you work that day?

A. No.

Q. Why not?

A. I was sick that day because I have surgery September 13th.

18

A. GOMEZ

Q. September 13th, 2006 you had surgery?

A. I have surgery.

Q. What kind of surgery?

A. I don't know the name. They put all my ovaries, everything out.

Q. Were you recovering from the surgery?

A. Yes.

MR. SOKOLOFF: You can't nod your head to tell her.

MS. MARINELLI: Okay.

MR. SOKOLOFF: You know that, right?

MS. MARINELLI: Yes.

MR. SOKOLOFF: Maybe you didn't.

MS. MARINELLI: She didn't see me.

THE WITNESS: I no see you.

MR. SOKOLOFF: That's fine.

Q. Were you in bed?

A. No.

Q. You were able to walk around?

19

A. GOMEZ

A. Yes. The week before the incident, I supposed to come back.

Q. Back to work?

A. Yes.

Q. Why didn't you go back the week before the incident?

A. Because I have damage in the incident.

Q. You said you were supposed to go back to work the week before the incident?

A. After. This happened the 17th, Tuesday. I had to come back the next Monday on 20 something, but what happened in the incident, I can't come back to work.

Q. So, when you said before you were supposed to come back to work the week before the incident, you didn't mean the week before the incident; right?

A. Yes. I had to come back. I have the 13th the surgery. I had to come back and the incident happened the 17th. I had to come back the 20 something but the reasons I not come back for what happen in

20

A. GOMEZ

the October 17th to me and I not come back to work.

Q. So, my question is, when you testified before --

A. Remember, my English is not a hundred percent. That's what I repeat again what I say.

MR. SOKOLOFF: Given the difficulty that the reporter has, and she's a very good reporter and I've worked with her before, the difficulty that the reporter has understanding the witness' answers which are in a heavy Spanish accent and given the fact that the witness seemed to confuse --

MS. MARINELLI: Before and after.

MR. SOKOLOFF: -- the week before and with the weak after, I think we better do this deposition with an interpreter just so everybody understands everybody.

MS. MARINELLI: Do you



21

1 A. GOMEZ

2 understand that, Awilda?

3 THE WITNESS: Yes, I do another  
4 one on my own and I don't have any  
5 people translate me because the  
6 problem, sometimes when the people  
7 translate they don't say exactly what  
8 I say.

9 I prefer to repeat two or three  
10 times and she understand me and you  
11 understand me, whatever did I say. I  
12 don't like too much translation, let  
13 me tell you the truth, because  
14 sometimes they do not do it exactly  
15 that I say.

16 MS. MARINELLI: I would go  
17 along with Ms. Gomez. I mean, the  
18 whole 50-H hearing, which was  
19 voluminous, was done without an  
20 interpreter.

21 MR. SOKOLOFF: I didn't do it  
22 so I can't say.

23 MS. MARINELLI: I think we can  
24 say because I have it right here.

25 MR. SOKOLOFF: I could say it's

22

1 A. GOMEZ

2 voluminous but I can't say it's any  
3 different than this.

4 MS. MARINELLI: I mean, just  
5 because she had a problem with before  
6 and after, a lot of people do that.

7 MR. SOKOLOFF: I don't know  
8 anybody that does that.

9 MS. MARINELLI: Well, I've had  
10 depositions before in my experience,  
11 but do you understand what he's  
12 saying?

13 THE WITNESS: I understand what  
14 he say.

15 MS. MARINELLI: He was asking  
16 you questions before and you weren't  
17 --

18 THE WITNESS: Maybe I confuse  
19 day after and before. I don't think  
20 it's a big deal and I can continue  
and do it with this.

22 MR. SOKOLOFF: See, the  
23 problem, and I appreciate what you're  
24 saying and you want to continue. My  
25 problem is that I want to get answers

23

1 A. GOMEZ

2 from you that are your answers so  
3 that the next time you testify, if  
4 it's a trial or it's something else,  
5 if you give a different answer, I  
6 don't want you to be able to say,  
7 "Well, my English is not a hundred  
8 percent. I really didn't understand  
9 it so well." That doesn't do me no  
10 good.

11 THE WITNESS: You know, this  
12 happened to me and I prefer to do it  
13 that I do in the court that I do  
14 before, that I do now and I don't  
15 like people translate for me because  
16 I want to be sure you understand me  
17 what I say, not another people say to  
18 you because sometimes I have  
19 experience about that and I listen,  
20 people translate and they not say  
21 exactly what people want to say.  
22 They say maybe the way they feel  
23 comfortable. They not translate  
24 exactly what I say and I don't like  
25 that. I prefer to take more time,

24

1 A. GOMEZ

2 little by little but I do by my own.  
3 That's my prefer.

4 MS. MARINELLI: You have no  
5 problem understanding the English  
6 language?

7 THE WITNESS: I have no  
8 problem. I work with English people.  
9 I live twenty-five years in this  
10 country and this is the language in  
11 this country. I have to, you know --

12 MS. MARINELLI: When you go to  
13 Greenburgh Court --

14 THE WITNESS: I do in English.  
15 They put me translation but I do it  
16 in English because that's the  
17 problem, when they put somebody, I  
18 listen and she say something. I say  
19 wait a minute, that's not what I say  
20 and I have to do. Why is the purpose  
21 that I take translation?

22 MR. SOKOLOFF: When do you go  
23 to Greenburgh Court?

24 THE WITNESS: I went the last  
25 time, I think in November.

25

1 A. GOMEZ  
 2 MR. SOKOLOFF: For what?  
 3 THE WITNESS: For criminal  
 charge.  
 MR. SOKOLOFF: Connected to  
 6 this incident?  
 7 THE WITNESS: Yes.  
 8 MR. SOKOLOFF: Do you have a  
 9 trial scheduled?  
 10 THE WITNESS: I don't know they  
 11 call trial. I don't know. I went in  
 12 the court too many times. I don't  
 13 know what they call.  
 14 Q. Did you ever hear of Officer  
 15 Quinoy before October 17th, 2006?  
 16 A. I have what?  
 17 Q. Did you ever hear of Officer  
 18 Quinoy before October 17th, 2006?  
 19 A. Officer Quinoy was my friend  
 20 for long time but at the time I'm not  
 21 talking with him too much. I no see too  
 22 much before. Before this happened, I no  
 23 have any communication with him.  
 24 Q. You say he was your friend for  
 25 a long time?

26

1 A. GOMEZ  
 2 A. Yeah.  
 3 Q. And you --  
 4 A. After the incident.  
 5 MS. MARINELLI: No, see --  
 6 THE WITNESS: Quinoy was my  
 7 friend.  
 8 MS. MARINELLI: Before the  
 9 incident?  
 10 THE WITNESS: Yes.  
 11 MS. MARINELLI: See, that's  
 12 what the problem is here, Awilda.  
 13 THE WITNESS: Before the  
 14 incident he was my friend for ten,  
 15 twenty years. The incident happened  
 16 I don't have any communication with  
 17 her family, no with him, with nobody,  
 18 the wife, nobody. Before, yes.  
 19 Q. Why did you just say a minute  
 20 ago that you had no communication with him  
 before the incident?  
 22 A. Because he move the building  
 23 and I not see him and the family.  
 24 Q. But how could he be your friend  
 25 and you not communicate with him?

27

1 A. GOMEZ  
 2 A. Because before he live the  
 3 building. I'm very close friends of him but  
 4 as soon as he take the position in the  
 5 police department, because I know him before  
 6 the policeman, when he started working in  
 7 the police department he have a different --  
 8 working in the morning, working afternoon.  
 9 I not see and he started going this thing  
 10 and this thing and they move the building  
 11 and I not see him no more. I no talking  
 12 with him no more. I saw him when the  
 13 incident happened. Before the incident  
 14 happened, I don't have any communication  
 15 with the family, with the wife, nobody.  
 16 Q. How about with him?  
 17 A. No, no communication.  
 18 Q. But, again, how could he be  
 19 your friend if you had no communication with  
 20 him?  
 21 A. Well, because I have relation  
 22 with him. He went to my husband's 40th  
 23 birthday party. He come to my house but I  
 24 say when he take position in the police  
 25 department he change the hours working. I

28

1 A. GOMEZ  
 2 do my business. They do his business. I do  
 3 not see him. Nothing happened but I not see  
 4 him. I see in the hallway because he live  
 5 in my building, "Hello, hello." "I see  
 6 kids. How are the kids?" I saw Marina  
 7 sometimes, his wife. That's the relation  
 8 that I have. He move with the building  
 9 around three or four years -- two or three  
 10 years. After the incident, I not see him  
 11 because I not going out too much into town,  
 12 Sleepy Hollow.  
 13 Q. When did you first meet Quinoy?  
 14 A. When I first -- the first time?  
 15 Q. Yes.  
 16 A. 1980 -- well, I see him because  
 17 the father have little restaurant on Beekman  
 18 Avenue and I went there. I see Jose. He  
 19 have thirteen, fourteen years old, yeah. I  
 20 know the parents, the mother, the father,  
 21 all the family but specific, I don't know.  
 22 He married, he moved to my building. That's  
 23 when I started being friend with him around  
 24 ten years, twelve years.  
 25 Q. Did you grow up in Sleepy



29

A. GOMEZ

1  
2 Hollow?  
3 A. I moved in Sleepy Hollow when I  
-- eighteen years old.

Q. What year was that?

A. 1982.

Q. When you first moved to Sleepy  
Hollow, who did you live with?

A. I live on Beekman Avenue with  
my cousin in front of the police department  
in Sleepy Hollow.

Q. That's an apartment building?

A. A house, yeah, apartment on the  
second floor.

Q. What was the address?

A. I think 34 or 45 Beekman  
Avenue. This happened a long time ago.  
It's the house next to the post office,  
White House.

Q. The White House?

A. Yes.

Q. That's also next to the police  
station?

A. No. They next to the post  
office.

30

A. GOMEZ

Q. Did you say before it was next  
to the police station?

A. In front of the police  
department.

Q. What do you mean?

A. The house is here, (indicating)  
the police department is there, across the  
street (indicating.)

Q. How long did you live in that  
building at Beekman Avenue?

A. Not too long; around five, six  
months.

Q. When you were living in that  
building on Beekman Avenue, did you know  
Jose Quinoy?

A. No.

Q. Where did you move after  
Beekman Avenue?

A. 100 Cottage Avenue.

Q. Who did you live with then?

A. My cousin.

Q. Who is your cousin?

A. Araceles, A-R-A-C-E-L-E-S,  
Cedeno, C-E-D-E-N-O.

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A. GOMEZ

Q. How long did you live at 100  
Cottage Avenue?

A. I live I think one year, one  
year.

Q. Did you know Jose Quinoy when  
you lived at 100 Cottage Avenue?

A. No, I know his parents.

Q. Who were his parents?

A. The mother and the father.

Q. What are their names?

A. I know Jose father Cale,  
C-A-L-E.

Q. Do you know his mother's name?

A. I forgot now the name.

Q. How did you know them?

A. They have a business.

Q. What kind of business?

A. They have a little restaurant  
on Beekman Avenue. They sell sandwich,  
food.

Q. What's the name -- is it still  
there?

A. No.

Q. What was the name of it?

32

A. GOMEZ

A. I don't know the name of it.

Q. Where did you live after 100  
Cottage Avenue?

A. I married and I moved to 102  
Main Street in Tarrytown.

Q. 102 Main Street?

A. Yes.

Q. That's not in Sleepy Hollow;  
right?

A. No, this is Tarrytown.

Q. When did you get married?

A. I moved together. I married  
August 23rd, 1985.

Q. But you moved to 102 Main  
Street before you got married?

A. Yes, I moved together.

Q. That's with Mario?

A. Yes.

Q. When was your first child born?

A. 1984, July 13th, 1984.

Q. So that's before you moved to  
102 Main Street?

A. No.

Q. After?

33

A. GOMEZ

A. After.

Q. And the first child is Haydee?

A. Haydee.

Q. The next child?

A. Stephanie, 1989.

Q. And Bridgette?

A. 19 -- Stephanie, 1988;

Bridgette, 1989.

Q. When did you first meet Quinoy, Jose Quinoy?

A. In the restaurant. I saw there, and I started talking with him when he driving taxi for McCarthy Taxi and I called a taxi and he bring me to the doctor appointment with my kids. That's when I started talking with him. I saw him when he was little in his father's business but I really talk little kids. I started talking with him when he give me -- I call taxi and he bring me to the doctor, he bring me to the supermarket, something like that.

Q. When was that that he was taking you to the doctor and supermarket?

A. He drive taxi.

34

A. GOMEZ

Q. When was that?

A. Around -- I'm not sure; 1990, something like that. I'm not sure. At the time I not put attention about that.

Q. You think it was in the 1990's?

A. In the 19 something because I have my daughters.

Q. How old was he when you first saw him or how old did he look?

A. I'd say thirteen, twelve, something like that.

Q. When he worked in the restaurant, you think he was twelve or thirteen?

A. I didn't say he work in the restaurant. I saw in the restaurant, you know, with the parents but I not say he working because I'm not sure he working there.

Q. When you saw him in the restaurant, whatever he was doing, you think he was twelve or thirteen?

A. Twelve, thirteen, yeah.

Q. Then --

35

A. GOMEZ

A. Because this happened around 1984, '85, something like that.

Q. What happened?

A. I went in the restaurant. He had to be thirteen, twelve years, something like that, yeah.

Q. Then when he was driving a taxi --

A. Yes.

Q. -- how old was he?

A. I'd say early -- nineteen, twenty.

Q. Did your husband meet him?

A. At the time, I don't know -- well, he know because they Cuban and all community --

MS. MARINELLI: Just try and answer the question.

Q. Who is Cuban?

A. Mario and Jose.

Q. Are you Cuban?

A. No.

Q. What are you?

A. Dominican.

36

A. GOMEZ

Q. As far as you could see, is the Cuban community in Sleepy Hollow a close knit community?

A. Yeah, they most -- everybody know everybody there, yeah.

Q. 102 Main Street is an apartment building?

A. It's a house, two apartments. I live on first floor at the time.

Q. Is that the building that Quinoy moved into?

A. No.

Q. Where did you live after 102 Main Street?

A. I moved for one year Hudson Street -- yes, I moved -- I lived on Hudson for six months, something like that and I live on Jones Street after Hudson one year and I moved to Hudson Street. I lived on Hudson Street for five, six months and then I moved to the building and I stay in the building.

MR. SOKOLOFF: Can you read that back?

37

A. GOMEZ

(Whereupon, the reporter read back the requested material.)

Q. Where on Hudson Street did you move to after Main Street?

A. Main Street, I moved to John Street first and then John, I moved to Hudson.

Q. Where on John Street?

A. The number, I not remember the number and Hudson is 20. John, I not remember.

Q. Is John Street in Sleepy Hollow?

A. No, it's in Tarrytown.

Q. You lived in the house on John Street for how long?

A. In Hudson I live --

Q. No, no, John Street.

A. Oh, around one year.

Q. After John Street you moved to 20 Hudson Street?

A. Yes.

Q. How long did you live there?

A. Five, six months.

38

A. GOMEZ

Q. After that you moved to John Street?

A. No, I moved to River Plaza and I stay there until today.

Q. That's where you are today?

A. Yes.

Q. River Plaza?

A. Yes, 1 River Plaza.

Q. That's an apartment building?

A. Apartment 4E.

Q. You've been in the same apartment the whole time?

A. No, first I moved in 4D and I change to 4E.

Q. When did you change to 4E?

A. Around -- let me see -- fourteen years something like that.

Q. Fourteen years ago?

A. Yes. I change because I have two bedroom and I move apartment to three bedroom; next door. It's same floor and everything.

Q. When you moved to 1 River Plaza, was Quinoy living there?

39

A. GOMEZ

A. No.

Q. When did Quinoy move in?

A. Let me see -- I live long time before he move. I never really remember but -- he live on the fifth floor.

THE WITNESS: What happened in hurricane in Florida?

Q. Andrew?

A. Yes. Around that time he move in the building. I'd say two, three months later.

Q. How do you remember that Quinoy moved into the building when there was a hurricane in Florida?

A. Because my friend lived there and they moved to Florida and Quinoy take the apartment. That's why I made it a relation.

Q. If I tell you Hurricane Andrew hit Florida in 1989, would that sound right?

A. I don't know. I think. I don't know. I don't know. I don't know exactly what year but I know the relation because my friend moved and he take

40

A. GOMEZ

apartment of my friend at the time they moved and it happened hurricane.

Q. What apartment did he move in?

A. 5H, I think -- yes, I think 5H. I not remember now.

Q. How many floors are in the building?

A. Nine floors.

Q. There's an elevator?

A. Yes.

Q. When Quinoy moved in, did he move in with anybody?

A. With his wife.

Q. Who is his wife?

A. Marina.

Q. Did you know her before she moved into the building?

A. No, no.

Q. You didn't go to his wedding, did you?

A. No.

Q. When he moved in, did he have any children?

A. Yes, I think Michael. They

41

A. GOMEZ

1 have one son at the time.  
 2 Q. When they moved in?  
 3 A. Yes.  
 4 Q. How old was Michael when they  
 5 moved in?  
 6 A. Not a year because I went  
 7 Michael's first year birthday.  
 8 Q. You went to Michael's first  
 9 birthday party?  
 10 A. Yes.  
 11 Q. Who invited you to Michael's  
 12 first birthday party?  
 13 A. I'd say both.  
 14 Q. You got a written invitation?  
 15 A. Yes.  
 16 Q. How did you meet Jose and  
 17 Marina when they moved in?  
 18 A. I know for my friend Iliana.  
 19 She's friend with Marina and I see Marina  
 20 when she come to Iliana's house and we start  
 21 talking in the building, in the laundry  
 22 room, you know.  
 23 Q. Does Iliana live in the  
 24 building, too?  
 25

42

A. GOMEZ

1 A. No, she moved to Florida.  
 2 Q. But at the time she lived in  
 3 the building?  
 4 A. Yes, on the fifth floor, too.  
 5 Q. Now, when Jose moved in, you  
 6 had three children; right?  
 7 A. Yes.  
 8 Q. How old were your children when  
 9 Jose moved in?  
 10 A. What year you say is Andrew  
 11 around -- my daughter is around, I think  
 12 ten, eleven, something like that because  
 13 when --  
 14 Q. Who, Haydee?  
 15 A. Haydee. I'd say around eleven.  
 16 Q. How old was Jose when they  
 17 moved in?  
 18 A. Twenty something.  
 19 Q. Did you go to Michael's first  
 20 birthday party with your whole family?  
 21 A. Yes.  
 22 Q. Your three daughters, too?  
 23 A. Yes, and my husband, too.  
 24 Q. When did Jose move out of the  
 25

43

A. GOMEZ

1 building?  
 2 A. I'm not sure. I'd say about  
 3 maybe three or four years.  
 4 Q. In the past, three or four  
 5 years ago?  
 6 A. Yes, three or four years ago,  
 7 maybe more. I'm not sure; yeah, maybe more.  
 8 Q. Do you know why he moved out of  
 9 the building?  
 10 A. They buy a house.  
 11 Q. Did you stay friends with them  
 12 from the time they moved in the building  
 13 until the time that Jose left?  
 14 A. No.  
 15 Q. Jose left, he left with his  
 16 whole family?  
 17 A. Yes, he move with the kids and  
 18 his wife.  
 19 Q. How many kids did he have when  
 20 he moved?  
 21 A. Three.  
 22 Q. Michael was the first?  
 23 A. Michael's the first and two  
 24 more boys. I don't remember their names.  
 25

44

A. GOMEZ

1 Q. So, he had three boys and you  
 2 had three girls?  
 3 A. Yes. I think one is Michael,  
 4 Christopher and I forgot the other one. I'm  
 5 not sure.  
 6 Q. And he was still married to  
 7 Marina when he moved?  
 8 A. Yes.  
 9 Q. You were not friends with him  
 10 at the time he moved?  
 11 A. Let me tell the truth. I  
 12 started more be friends with him when they  
 13 started having problem with Marina and Jose  
 14 and he move the building and he come back to  
 15 the building. That's when I not go to her  
 16 house no more. I stay my distance because  
 17 they have a lot of problem between Marina  
 18 and Jose, and he moved to Washington Street  
 19 in the little building. I don't know the  
 20 name. It's two buildings together. I know  
 21 Jose moved there. I don't know for how long  
 22 and he come back to the building. They have  
 23 a lot of problems between Marina and Jose.  
 24 That's one of the reasons I not continue be  
 25

45

A. GOMEZ

close with Marina and Jose.

Q. So, he moved out of the building to Washington Street and then he came back?

A. Yes.

Q. How long was he gone?

A. I don't know because at the time I know happened but I'm not talking too much with Marina and I don't know how long he stay out of the house, but I know happened. That's one of the reasons that I stop, you know, she's involved in her problem and I'm going to stay away.

Q. How do you know that they were having problems?

A. Everybody know in the building because she threw the clothes on the floor in the hallway and she fight with somebody at the YMCA for her husband cheating. She fight in the YMCA with another woman in Tarrytown and everybody know about that. Remember, it's a building.

Q. Was her apartment right above yours?

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A. GOMEZ

A. No, I live in the corner at the time it happened and she living in the middle of the building and they move to the ninth floor. When he have two more boys they changed the apartment to 9E.

Q. When he moved to 9E, were you in 4E?

A. Yes, yes.

Q. Was your friend Iliana friends with the Quinoys?

A. No, she move at the time to Florida. She move around ten years, nine years to Florida.

Q. Did any of your three girls play with any of the Quinoy boys?

A. Yes, sometimes they come to my house, play with my kids. They eat in my house. That's the relation that I have.

Q. Which one of the Quinoy boys came and ate at your house?

A. Michael. I'm very close when they only have Michael. When they have the two little, I'm not very close. They not coming to my house, something like that.

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A. GOMEZ

They went with me to the pool together. I went to Marina's sister's birthday at the time.

Q. What is the age difference between Michael and Haydee?

A. Michael is maybe twelve, something like that, twelve years old and Haydee is twenty-four in July, you know. The relation is cute; boy come into my house, stay and Bridgette play with Michael. Everything is funny because they little. That's the relation they have, not really a friend because the age is very different.

Q. After Jose moved into the building, what relationship did Mario Gomez have with Jose Quinoy?

MS. MARINELLI: Just objection.

You can answer.

A. Like me.

Q. When Jose had problems with his wife, your husband Mario also didn't have anything to do with them?

A. No, no. The relation they have

--

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A. GOMEZ

MS. MARINELLI: There is no question now.

MR. SOKOLOFF: Maybe she's answering the previous --

A. The relation I know they have is see in the bar, Jose pay beer for Mario, Mario pay beer for Jose, but not close. That's the relation they have.

Q. That's when they were living in the building?

A. When they start having problem, Marina and Jose. That's the relation they have. Mario see in the bar, I pay the bill for you, you pay the bill for me. That's the relationship they have. Not continue the business or something out together, something like that, like me.

Q. What bar did your husband see Jose in?

A. I don't know anything about Mario and Jose. That's what I think. I can't say nothing about Mario and Jose because -- I can't say nothing about that.

Q. Why did you just say they



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A. GOMEZ

bought each other beers in a bar?

A. Because Mario told me one day, "Oh, I saw Jose in the bar. He pay me beer, I pay beer," like that, comments like that. I never went in the bar in Tarrytown or nowhere, and he made comments, you know, Jose -- "I pay beer for Jose," comments like that, normal comments. That's what I say now about that.

Q. Before Jose moved out of the building -- it was one-time that Jose moved out of the building and then came back?

A. That I know, yes.

Q. He moved to a house --

A. No, he moved a little building.

MS. MARINELLI: He's not finished with the question yet, Awilda. Wait until he finishes the question.

Q. When he moved out for good, he moved to a house?

A. No, that's a little building, twin building, three floor.

Q. You know where he moved to?

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A. GOMEZ

A. Now -- at the time in Washington but I don't know the apartment. I don't know nothing -- Washington Street. I know the building but I don't know the name of the building.

Q. When he moved, he moved with his whole family?

A. No, only him.

Q. His wife stayed in the building?

A. Yes.

Q. Then he came back?

A. Yes.

Q. Then later on the whole family moved?

A. Not later on; past year, couple years and that's when they move to the house that they buy.

Q. The whole family moved together to a house?

A. Yes.

Q. When was that, three or four years ago?

A. Three or four years ago. I'm

51

A. GOMEZ

not sure; maybe five, but around five, four years.

Q. Did you know before they moved to the house that they were going to move?

A. No.

Q. How did you find out that they moved?

A. Everybody talk they moved to the house and you see the people when they going out. That's the building.

Q. Did he say good-bye to you?

A. No, because sometimes you -- the moment people move, you see. You not there. You no see nothing, you know.

Q. But he didn't call you or write you?

A. No, no, no, no.

Q. After he and his family moved to the house, did you ever speak to him again before October of 2006?

A. I talking one-time or two times with Marina in the basement and I talking with Jose about car because I buy a minivan and he asked me simple question, not

52

A. GOMEZ

conversation I go to the house or something like that. I say hello and I see in the parking lot. One time I find credit card Marina lose in the parking lot and I find and I give it to him, but normal things, not conversation.

Q. When he moved out to a house, right, why was his wife in the basement?

A. Making laundry and she talking with me.

Q. She didn't live there anymore?

A. No, she not live there anymore.

Q. She came back to the building to do her laundry?

A. No, no, I talking before.

Q. I'm talking after.

A. After, I not see Marina no more. I see one or two times in the street, "Hi, hi," and that's it.

Q. How about Jose?

A. I see Jose when he working around the town but I don't have conversation.

Q. What work, as a police officer?



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A. GOMEZ

1  
2 A. Yes. The last time that I  
3 talking with Jose that's in Sleepy Hollow  
High School at Stephanie's graduation. He  
was there. I remember. When graduation  
6 finished, he was there and he say hello to  
7 me and that's it. That's the last time I  
8 talking with Jose.

9 Q. How about Marina?

10 A. Marina?

11 Q. When she moved, did you see her  
12 anymore?

13 A. No.

14 Q. Did you talk to her on the  
15 phone?

16 A. No, no.

17 Q. After the Quinoy family moved,  
18 after, did any of your daughters speak to  
19 anybody in the Quinoy family?

20 A. My daughter, Haydee, speak with  
21 Jose.

22 Q. How do you know that?

23 A. Because she told me and I see  
24 in the cell phone building and she told me  
25 that she friends with Jose.

54

A. GOMEZ

1  
2 Q. When he did she first tell you  
3 she was friends with Jose?

4 A. I not remember.

5 Q. What did you say to her when  
6 she told you she was friends with Jose?

7 A. That she saw Jose and she say  
8 hello and she talking with Jose, but she not  
9 explain why she was talking. She only say  
10 she saw Jose and that's it.

11 Q. Did your daughter talk to Jose  
12 on the telephone?

13 A. That I know, yes, one-time but  
14 I don't know -- my daughter is old. I no  
15 put attention about who call my daughter or  
16 who my daughter call, you know.

17 MS. MARINELLI: Just answer the  
18 question.

19 A. I don't know.

20 Q. She did or you don't know?

21 A. Maybe she did one-time, two  
22 times. I don't know how many but I don't  
23 know too much about my daughter's friends.

24 Q. Wait. Either you don't know at  
25 all or you know that they spoke once or you

55

A. GOMEZ

1  
2 know they spoke twice; just tell me what it  
3 is.

4 A. Maybe they spoke one or two  
5 times.

6 Q. When you say maybe, does that  
7 mean you know they spoke one or two times?

8 A. Yes, yes.

9 Q. Why do you say maybe?

10 A. I say maybe because I not  
11 really know how many times, but they talk.

12 Q. How do you know they talked on  
13 the phone?

14 A. Because she tell me, my  
15 daughter tell me.

16 Q. What did she say about her  
17 talking to Jose on the phone?

18 MS. MARINELLI: Just note my  
19 objection.

20 A. She say, "Oh, I talk with Jose.  
21 I saw Jose," but Jose is a friend of mine  
22 and my family. I don't see nothing wrong  
23 about that, you know.

24 Q. Did your husband find out that  
25 your daughter was talking to Jose?

56

A. GOMEZ

1  
2 A. My husband is not find out.

3 MS. MARINELLI: Just answer the  
4 question, Awilda.

5 A. He know because somebody tell  
6 Haydee talking with Jose but he not find  
7 because he checking the bills or something  
8 like that.

9 MR. SOKOLOFF: Read that back.  
10 (Whereupon, the reporter read  
11 back the requested material.)

12 Q. Somebody told your husband that  
13 Haydee was talking to Jose?

14 A. Yes.

15 Q. How do you know that?

16 A. He tell me.

17 Q. He is your husband?

18 A. Yes.

19 Q. What did he say?

20 A. He say, "Oh, you know Haydee is  
21 friends with Jose? They talking," and I  
22 say, "Yeah, she told me," and that's it.  
23 The conversation was finished.

24 Q. Who did your husband say told  
25 him?

57

A. GOMEZ

A. I don't know. He not say.

Q. Did your husband ever talk to Haydee about her being friends with Jose?

MS. MARINELLI: Just note my

objection.

A. Not from me.

Q. Did you ever find out about it afterwards?

MS. MARINELLI: Objection.

A. Did I find -- that's what happened on October 17th. That's what I know they friends. I don't know nothing about that and I don't know Mario know nothing. I don't know.

Q. Your husband Mario was a New York City corrections officer?

A. Yes.

Q. When did he become a corrections officer?

A. He started July 14th -- I'm not sure 14th-- I think -- June or July 27th, 1984 he started.

Q. Where did he work, Riker's Island?

58

A. GOMEZ

A. He working at Riker's and working in the Bronx in supreme court.

Q. How tall is your husband?

A. Five ten.

Q. In October of 2006, how much did he weigh?

A. In 2006, a hundred something, a hundred sixty something.

Q. How old was he in October 2006?

A. Forty-nine.

Q. In October 2006, was he still a corrections officer?

A. No.

Q. What happened?

A. He retired.

MS. MARINELLI: Objection.

Q. When did he retire?

MS. MARINELLI: Objection.

A. 2002, something like that, 2001. I not remember.

Q. Did he put in twenty years on the job?

MS. MARINELLI: Just objection.

A. I don't -- I not remember. I

59

A. GOMEZ

don't know how many he made. He not do twenty years.

Q. He didn't do twenty years?

A. No, no -- I don't know about that, let me tell you the truth.

Q. So, he didn't get a pension?

A. Yeah, he have a pension.

Q. Was it a disability pension?

MS. MARINELLI: Just objection.

A. Yeah, he have disability pension.

Q. Did he have any kind of an injury?

A. He have a problem in the liver. Something happened when he worked in B5 and somebody hit in the liver and he have damage, something like that.

Q. He got hit in the liver?

A. Yes, and he have problem in the liver, too.

Q. Was he sick?

A. Now, no.

Q. No, is that why he retired because he got sick?

60

A. GOMEZ

MS. MARINELLI: Just objection.

A. Yes.

Q. What kind of sickness did he have?

MS. MARINELLI: Just objection.

A. Well, he have problem in the liver. That's what I know.

Q. How do you know he had a problem in the liver?

A. The papers with the doctor and that's what he told me that he have a problem with the liver.

Q. When did he tell you that?

A. When he went to the doctor.

Q. When was that?

MS. MARINELLI: Just objection.

A. In 2000 something, like that.

Q. Did he go to the doctor because he wasn't feeling well?

A. Yes.

MS. MARINELLI: Again, objection to this whole line of questioning.

Q. Did your husband have

61

A. GOMEZ

1 Hepatitis-C?

2 A. Yes.

3 Q. When did he find out about

4 that?

5 A. Good question. I don't know.

6 Q. When did he tell you?

7 A. I find it --

8 MS. MARINELLI: Just when did

9 he tell you, do you know?

10 A. I don't know. I no remember.

11 Q. As far as you know, did your

12 husband have psychological problems?

13 MS. MARINELLI: Objection.

14 A. I not say psychological. He

15 have problem where he find he is Hepatitis,

16 you know, like somebody say he have seizure.

17 He coming down, he feel bad or whole

18 situation. He feel at the age he want to

19 continue to work and he feel depressed, he

20 feel like that because before he never have

21 a problem with psychological problem. He

22 never went psychiatric. He never went on

23 medication. Everything happen at the time

24 he have to get out with the department and

25

62

A. GOMEZ

1 now he's fine. The years that I live with

2 him he's depressed for the situation, not

3 because he's crazy or something like that.

4 Q. Depressed because he was sick?

5 A. Depressed because the type of

6 sick that he have.

7 Q. Did your husband carry a gun?

8 A. No.

9 Q. When he was a corrections

10 officer, did he carry a gun?

11 A. Yes.

12 Q. Did he stop carrying a gun?

13 A. Yes.

14 Q. When did he stop carrying a

15 gun?

16 A. When he sick.

17 Q. Why did he stop carrying a gun,

18 if you know?

19 MS. MARINELLI: Just objection.

20 A. He didn't feel well and

21 department coming and take it.

22 Q. The department took his gun?

23 A. Yes, for, you know, he's

24 depressed. Maybe they do it for protect

25

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A. GOMEZ

1 him, something like that, but they take it

2 and I never listen anything about that. I

3 never call, I never ask for the gun back.

4 He no want to anyway.

5 Q. Did he visit with a corrections

6 department psychiatrist?

7 MS. MARINELLI: Just objection.

8 A. No, he have interview with

9 corrections department psychiatrist but he

10 not visit.

11 Q. He had an interview with the

12 corrections department psychiatrist?

13 A. When he sick.

14 Q. How do you know he had an

15 interview with the corrections department

16 psychiatrist?

17 A. I give the ride.

18 Q. You gave him a ride?

19 A. Yes, the department do

20 evaluation.

21 Q. They did a psychological

22 evaluation on him?

23 MS. MARINELLI: Note my

24 objection.

25

64

A. GOMEZ

1 A. Not evaluation. They talking

2 with somebody. They want to see everything

3 around him before they terminate, put out

4 the department with disable because they

5 continue to pay and they want to be sure

6 everything, you know, that everything

7 affecting him and they want to be sure what

8 is really that they have. That's when they

9 do it but they do it one-time. I bring

10 there, he talk with somebody and he come

11 home with me.

12 Q. Did you take him to Leprac

13 (ph.) City in Queens?

14 A. Excuse me?

15 Q. When you went down to the

16 corrections department, was that in Queens?

17 A. No.

18 Q. Where was it?

19 A. To see the doctor, I saw the

20 doctor in Manhattan.

21 Q. Did you talk to the doctor?

22 A. Yes.

23 Q. And he asked you questions

24 about Mario?

25

65

A. GOMEZ

1  
2 A. Yes.  
3 Q. And you told him things?  
4 A. Yes.  
5 Q. Did anybody else at the  
6 corrections department talk to you about  
7 Mario?  
8 A. Not really.  
9 Q. What was the name of the doctor  
10 that you spoke to?  
11 A. I don't know. I don't know the  
12 lady doctor.  
13 Q. Did you ever find out how your  
14 husband got Hepatitis-C?  
15 MS. MARINELLI: Just objection.  
16 A. That, I think I remember they  
17 have big fight in the corrections department  
18 and they come in gloves, all the place.  
19 Before they not use gloves. They not use  
20 nothing. That's where I think they find it  
21 because the way they find it is for drug or  
22 something like that. He never use drug.  
23 Nobody in my house have it, only him.  
24 That's what I think happened with him.  
25 That's where they give disabled that they

66

A. GOMEZ

1  
2 give you because they find maybe or he  
3 taking the job where he working.  
4 Q. Would you say that your husband  
5 had a bad temper?  
6 A. No.  
7 MS. MARINELLI: Objection.  
8 A. I not say.  
9 Q. Did you ever see him get  
10 violent at all?  
11 A. No, not bad temper.  
12 Q. Did you have a 40th birthday  
13 party for your husband?  
14 A. Yes.  
15 Q. When was that?  
16 A. He's fifty; ten years ago.  
17 Q. Where was it?  
18 A. In Hilton Hotel in Tarrytown.  
19 Q. How many people were there?  
20 A. Sixty, sixty-five.  
21 Q. Was it a surprise party?  
22 A. What?  
23 Q. Surprise party?  
24 A. Surprise, but he find the day  
25 before. It supposed to be a surprise but he

67

A. GOMEZ

1  
2 know that day.  
3 Q. You invited all the people?  
4 A. Yes. I do everything. I  
5 invite all the people. I rent the -- I do  
6 everything.  
7 Q. Did you invite Jose Quinoy?  
8 A. Yes.  
9 Q. Why?  
10 A. At the time he's very close  
11 with me. He's my friend and I invite him.  
12 Q. He was very close with you?  
13 A. Oh, yes. I visit his house, he  
14 visit my house at the time.  
15 Q. Do you have any pictures or  
16 videos from that party?  
17 A. Yes.  
18 Q. Do you remember if Jose got  
19 your husband a gift?  
20 A. Yes.  
21 Q. What did he get him?  
22 A. A jacket.  
23 Q. A jacket?  
24 A. Yes, Navy blue jacket for  
25 raining, water proof.

68

A. GOMEZ

1  
2 Q. Was Jose' whole family there?  
3 A. No, Jose, his wife.  
4 Q. After Jose moved out of the  
5 building, did you ever see your daughter  
6 Haydee talking to Jose?  
7 A. No.  
8 Q. Did your husband ever tell you  
9 that he saw Jose talking to Haydee?  
10 A. Yes.  
11 MS. MARINELLI: Just objection.  
12 Q. What did your husband say about  
13 that?  
14 MS. MARINELLI: Objection.  
15 A. He tell me that he saw Haydee  
16 talking with Jose, nothing special, nothing  
17 -- "Oh, I saw Haydee talking to Jose." I no  
18 remember for what reason and they talking  
19 and Mario leave; normal things.  
20 Q. He saw them talking on the  
21 street?  
22 A. I think in the street, yes. I  
23 not remember -- yeah, I think in the street.  
24 Q. Did he say where he saw them?  
25 A. No. He no made a big deal

69

A. GOMEZ

about that; simple conversation.

Q. Did anybody tell you that Haydee and Jose were dating?

A. No.

Q. Did anybody tell your husband that you're aware of that Haydee and Jose were dating?

MS. MARINELLI: Just objection and I'm going to ask her not to answer that. You're constantly asking her about Mario and what he knows. I'm going to object and this is about her and related to qualified immunity so I'm going to object and direct her not to answer that.

MR. SOKOLOFF: You're directing her not to answer?

MS. MARINELLI: Yes.

MR. SOKOLOFF: Are you asserting a privilege?

MS. MARINELLI: I don't have to assert a privilege. You're way beyond the scope of what this deposition is supposed to be. If you

70

A. GOMEZ

want to call the court, you can. I allowed a lot of leeway about the corrections officer and corrections department which has nothing to do with qualified immunity.

MR. SOKOLOFF: What do you think qualified immunity is restricted to?

MS. MARINELLI: To her, her actions with --

MR. SOKOLOFF: It's one incident with her and her husband.

MS. MARINELLI: No, it's with her and Jose Quinoy.

MR. SOKOLOFF: We'll call the court.

MS. MARINELLI: I think maybe we should because you already deposed Mario Gomez. I think you're trying to use this deposition to knock out that case and I object.

MR. SOKOLOFF: All right, let's call the court.

MS. MARINELLI: I don't

71

A. GOMEZ

understand what it has to do who told her husband about dating. I think we probably should.

Who is the magistrate?

MR. SOKOLOFF: I don't know.

MS. MARINELLI: Was this given to a magistrate?

MR. SOKOLOFF: I don't know. The Complaint says it's Judge Bryant.

MS. MARINELLI: Right, it does and I know there was an appearance before Judge Bryant. I don't know if he -- I know Judge Bryant has been referring his cases.

MR. SOKOLOFF: What's that?

MS. MARINELLI: I know he's been referring his cases to magistrates.

MR. SOKOLOFF: He's ill, right?

MS. MARINELLI: Off the record. (Whereupon, a discussion was held off the record.)

MR. SOKOLOFF: Read back the question.

72

A. GOMEZ

(Whereupon, the reporter read back the requested material.)

MS. MARINELLI: Over objection. I'll let you answer it. If it continues, we'll have to call Judge Bryant.

Do you remember the question, Awilda?

THE WITNESS: Repeat again.

MR. SOKOLOFF: She'll repeat it.

(Whereupon, the reporter read back the requested material.)

A. What you want to know before the incident, after the incident?

MS. MARINELLI: Before the incident he's talking about.

A. No, he not say anything to me about that.

Q. Something happened on that -- after the incident?

A. No.

Q. Did anybody tell you that Quinoy was bragging that your daughter was



73

A. GOMEZ

1 paying for drinks and food for him in a  
2 restaurant or a bar?

A. No, nobody told me.

Q. Did your husband tell you that  
6 anybody told him that?

A. No.

Q. Do you know somebody named Joe  
9 Cotaral, C-O-T-A-R-A-L of the Sleepy Hollow  
10 Police Department?

A. Do I know him?

Q. Do you know who he is?

A. Yes.

Q. Who is he?

A. A policeman in Sleepy Hollow,  
16 one of Mario's friends but he have no  
17 connection with me.

Q. He's one of your husband's  
19 friends?

A. Yeah.

Q. How do you know that?

A. They grow up together. I see  
23 pictures together in their house but I don't  
24 know anything about him and -- between him  
25 and Mario. I don't know nothing about that.

74

A. GOMEZ

Q. He grew up with your husband in  
3 Cuba?

A. No, here. That's only what I  
5 know.

Q. You saw pictures of your  
7 husband with Joe Cotaral?

A. Yes, when they was little.

Q. Where did you see those  
10 pictures?

A. In Mario's mother's house.

Q. How did you know that was Joe  
13 Cotaral of the Sleepy Hollow Police  
14 Department?

A. How did I know him?

Q. How did you know the kid in the  
17 picture was Joe Cotaral of the Sleepy Hollow  
18 Police Department?

MS. MARINELLI: Objection.

A. They friends with him. I see  
22 in the album and I say, "Oh, who is that,  
23 who is that?" That's the only way, you  
24 know.

Q. Did you ever speak to him?

A. With Jose?

75

A. GOMEZ

Q. No, Joe Cotaral?

A. Speak what?

Q. Ever talk to him?

MS. MARINELLI: Just ever?

MR. SOKOLOFF: Yes.

A. Oh, yeah, "Hi, how are you?"

That's it, not close friends or something  
9 like that. He's not my friend.

Q. Did he ever talk to your  
11 husband about Haydee and Jose Quinoy?

A. I don't know about that.

Q. Your husband never told you?

A. No, no.

Q. Did your husband Mario ever  
16 talk to Haydee about her being friends with  
17 Quinoy?

A. I don't know.

MS. MARINELLI: Just answer the  
20 question.

A. I don't know. No, I don't  
22 know.

Q. You don't know or no, he  
24 didn't?

A. No, I don't know they have

76

A. GOMEZ

2 conversation about that. I don't know  
3 nothing about that.

Q. Neither one of them, your  
5 husband didn't tell you that they spoke and  
6 your daughter didn't tell you that they  
7 spoke?

A. No, no.

Q. October 17th, 2006 was a  
10 Tuesday; right?

A. Yes.

Q. And you were home?

A. I went in my friend's house in  
14 the building.

Q. What friend?

A. Yolanda.

Q. What is Yolanda's last name?

A. Ania, A-N-I-A.

Q. What time did you go to  
20 Yolanda's house?

A. 8:00, 8:30.

Q. In the morning?

A. In the night.

Q. You were home during the day?

A. Me?



77

A. GOMEZ

1  
2 Q. Yes.  
3 A. Yes, yes.  
4 Q. Was your husband home, Mario?  
5 A. Yes.  
6 Q. He was in the house all day?  
7 A. Yes, with me.  
8 Q. When you were at Yolanda's  
9 house on October 17th, 2006, did you get a  
10 phone call from your husband, Mario?  
11 A. Yes.  
12 Q. Did he call you -- what phone  
13 did he call you on?  
14 A. He call me to my cell phone.  
15 Q. What is your cell phone number?  
16 A. At the time I change.  
17 Q. Do you remember what your phone  
18 number was at the time?  
19 A. No, I never know my phone  
20 number.  
21 Q. What did your husband say on  
22 the phone when he called you?  
23 A. He call me and he say he  
24 watched the game, the Mets, that's the World  
25 Series and he say Jose Quinoy call me and he

78

A. GOMEZ

1  
2 leave message that he want to talk to me. I  
3 don't know what he want to talk to me and I  
4 say to him because when he watch TV he no  
5 take the phone. I say, "Oh, he call you  
6 again take the phone and see where he went.  
7 He call again and you take the phone."  
8 Q. Your husband was watching the  
9 ball game; right?  
10 A. Yes, the World Series.  
11 Q. The Mets weren't in the World  
12 Series in 2006, believe me.  
13 A. The Mets.  
14 Q. Not in 2006.  
15 A. Oh, he see the playoffs,  
16 something. I know he saw the game, the  
17 baseball. I'm not too interested about  
18 that.  
19 Q. Your husband said he got a  
20 phone message from Quinoy?  
21 A. Yes.  
22 Q. Did he get the phone message on  
23 his home phone or on his cell phone?  
24 A. Cell phone.  
25 Q. Do you know how Jose Quinoy had

79

A. GOMEZ

1  
2 your husband's cell phone number?  
3 A. I don't know.  
4 Q. Did he tell you what the  
5 message said?  
6 A. He want to talk. He give the  
7 phone number and call me back.  
8 Q. Your husband called you because  
9 he got a message from Jose?  
10 MS. MARINELLI: Well,  
11 objection. That's what she told you.  
12 He called her.  
13 What is your question?  
14 Q. Your husband, when your husband  
15 spoke to you on the phone, he told you he  
16 got a phone message from Quinoy?  
17 MS. MARINELLI: Just objection.  
18 You can answer.  
19 A. Yes.  
20 Q. All the message said was that  
21 he wanted to talk to him?  
22 MS. MARINELLI: Just objection.  
23 A. Yes.  
24 Q. What did you tell your husband?  
25 A. He not take the phone when he

80

A. GOMEZ

1  
2 watch TV. I said, "Well, he call you again  
3 take the phone and see what he want" because  
4 I don't know what he wants. He don't know  
5 what he wants and he call again.  
6 MS. MARINELLI: Just answer the  
7 question.  
8 Q. When you say he called again,  
9 was Jose's second call after your husband  
10 called you?  
11 A. Yes.  
12 Q. So, your husband called you  
13 twice?  
14 A. No, only one-time.  
15 Q. Well --  
16 A. He received --  
17 MS. MARINELLI: There is no  
18 question, Awilda.  
19 Just try to listen to his  
20 questions, okay.  
21 Q. What time did your husband call  
22 you when you were at Yolanda's house?  
23 A. Around 9:00.  
24 Q. How long did you stay at  
25 Yolanda's house?

81

1 A. GOMEZ

2 A. Half hour; 9:00, 9:30, 10:00,  
3 around -- forty-five minutes, one hour I  
4 stay there.

5 Q. Was anybody home with your  
6 husband when he was watching the game and  
7 Jose Quinoy left him a message on his cell  
8 phone?

9 A. Yes.

10 Q. Who was home with him?

11 A. Bridgette.

12 Q. Where was Haydee?

13 A. I no remember. Maybe she out.

14 I don't --

15 MS. MARINELLI: Do you know?

16 A. In her cousin house, Jenny,  
17 yeah.

18 Q. Did Mario ever play for you  
19 that message that Jose Quinoy left on his  
20 cell phone?

21 A. He call me -- he surprised,  
22 yes.

23 MS. MARINELLI: No, no, listen  
24 to his question.

25 Could you just ask the question

82

1 A. GOMEZ

2 again?

3 Q. Did Mario ever let you listen  
4 to the phone message that Jose Quinoy left  
5 on his cell phone?

6 A. Yes.

7 Q. When did he do that?

8 A. Let me see. I think a week  
9 before the incident happen. That's what I  
10 listen to the message.

11 Q. How could it be a week before?

12 A. Because they broke Mario's cell  
13 phone. When I replay the cell phone, that's  
14 when I listen to the message.

15 MS. MARINELLI: So, it was  
16 after?

17 THE WITNESS: After.

18 MS. MARINELLI: You're getting  
19 confused with before and after again.

20 He wants to know when you  
21 listened to the message on the cell  
22 phone.

23 A. After the incident, a couple  
24 days.

25 Q. So, you heard Jose's voice?

83

1 A. GOMEZ

2 A. Yes.

3 Q. Tell me what you heard Jose  
4 saying on Mario's cell phone.

5 A. "Hi, Mario. It's Jose Quinoy.  
6 I want to talk to you," something like that  
7 he say. And "I call you because I want to  
8 talk to you. Call me," and he leave the  
9 phone number.

10 Q. Was Jose's voice calm?

11 A. Yes.

12 Q. Go back to October 17th about  
13 9:30 or 10:00.

14 You came back to your apartment;  
15 right?

16 MS. MARINELLI: Objection.

17 A. Not really to my apartment.

18 Q. Well, when you were at  
19 Yolanda's house, did you get a second phone  
20 call from your husband?

21 A. I no have a second phone call  
22 from my husband, only one.

23 Q. When you left Yolanda's house,  
24 where did you go?

25 A. I go into the parking lot.

84

1 A. GOMEZ

2 Q. Why didn't you go home?

3 A. Because Bridgette called me and  
4 tell me Jose Quinoy called my father and he  
5 told my father go to the police department  
6 and my father go there.

7 Q. Did Bridgette go with him?

8 A. No.

9 Q. Why did you go over there?

10 A. I go because it's something  
11 about my daughter and see what happened.

12 Q. How do you know it was about  
13 your daughter?

14 A. Bridgette tell me.

15 Q. What did Bridgette say about  
16 your daughter?

17 A. No, he say something happened  
18 with Haydee. Jose call my father, something  
19 happened with Haydee. Jose tell my father  
20 come to see. She don't know what he say. I  
21 said, "What happened?" She say, "Daddy  
22 talking fine but Jose say something and  
23 daddy dress and go see him," and I go out  
24 and see what happened because I don't know  
25 what happened at the time.

85

A. GOMEZ

Q. That was about 9:30 or 10:00

that Bridgette called you?

A. I'd say around 10:00, something like that.

Q. Bridgette also called you on your cell phone?

A. Yes.

Q. Did Haydee have a cell phone?

A. Yes.

Q. Did you call her?

A. No.

Q. Did your husband, in that phone conversation, tell Quinoy that he did not want him to go out with Haydee?

MS. MARINELLI: Just objection.

A. I'm not home at the time. I don't know what they talk.

Q. Well, did either Bridgette or your husband tell you that he said that in the conversation?

MS. MARINELLI: Just note my objection.

A. Bridgette tell me but not Mario.

87

A. GOMEZ

get?

A. I don't know.

Q. When did Haydee tell you that Quinoy got her out of tickets?

A. Long time ago. I not remember.

Q. Do you know somebody at the Sleepy Hollow Police Department named Lieutenant Hayes?

A. Me?

Q. Yes.

A. No.

Q. Have you ever heard of a Lieutenant Hayes?

A. No.

Q. How far was your apartment building from the Sleepy Hollow Police Department?

A. Say two or three blocks.

Q. When Bridgette called you, did she tell you that Mario had already left?

A. Yeah, he go down.

Q. He was gone.

When she was speaking to you, he was already gone?

86

A. GOMEZ

Q. Bridgette told you that Mario said that he did not want Quinoy going out with Haydee; is that right?

MS. MARINELLI: Just note my objection. She didn't say that.

A. She say, "Something happen with Haydee and Quinoy and daddy and Quinoy told my daddy come to see me in the police department." That's what Bridgette told me.

Q. That wasn't my question.

A. Well --

Q. It's yes or no.

Did Bridgette tell you that Mario on the phone told Quinoy that he did not want Quinoy to go out with Haydee?

A. No.

Q. Did Quinoy ever help Haydee out with any tickets?

A. Yes, he take Haydee out of the tickets.

Q. How do you know about that?

A. Haydee tell me one-time, "Oh, I have a ticket. He take out."

Q. What kind of ticket did she

88

A. GOMEZ

A. Yes, he go out of the apartment and yes.

Q. He wasn't getting dressed when she was talking to you, he was already gone?

MS. MARINELLI: Well, objection; if you know.

A. When she call me, she called me because he dress and he go out. That's when I follow him.

Q. Well, did you see him leave the building?

A. Yes, in the parking lot.

Q. You saw him in the parking lot?

A. Yes.

Q. Did you talk to him in the parking lot?

A. No.

Q. Why not?

A. He's in her car and I went in my car.

Q. He's in whose car?

A. Mario's car. Mario drive her car and I go into my car.

Q. When you say her, her is a

89

A. GOMEZ

1  
2 woman.  
3 A. Oh, in his car, yeah.  
MS. MARINELLI: Note my  
objection.  
6 Q. Did Mario see you?  
7 A. I don't know.  
8 Q. What kind of car did Mario  
9 have?  
10 A. Yukon, GMC.  
11 Q. And that was his car?  
12 A. Yes.  
13 Q. And you got into a different  
14 car?  
15 A. Yes.  
16 Q. Whose car did you get into?  
17 A. My car.  
18 Q. What kind of car was that?  
19 A. Envoy, GMC.  
20 Q. Mario left the parking lot  
21 first?  
22 A. Yes.  
23 Q. You were behind him?  
24 A. Yes.  
25 Q. Right behind him?

90

A. GOMEZ

1  
2 A. Right behind him.  
3 Q. How fast was he going?  
4 A. Very close.  
5 Q. No, how fast was he going?  
6 A. Five miles; normally. He go  
7 normally. He not going fast.  
8 Q. How was he dressed?  
9 A. Sweat pants, boots and sweater;  
10 wintertime.  
11 Q. Was wintertime?  
12 A. Chilly that day. Yeah, he have  
13 sweat pants, sweater and boots.  
14 Q. Boots?  
15 A. Yes, because a little raining,  
16 frosty that day, yeah.  
17 Q. And he wore a jacket?  
18 A. I not remember. I not remember  
19 he have a jacket.  
20 Q. When your husband got to the  
Sleepy Hollow Police Department, what did he  
22 do?  
23 A. He park the car in the correct  
24 space.  
25 Q. And did you go into the parking

91

A. GOMEZ

1  
2 lot for the police department?  
3 A. No, I'm in the middle of the  
4 street because I no -- I behind him. He  
5 take the park here. I no find the parking.  
6 I'm in the middle of the street.  
7 Q. Why didn't you park your car?  
8 A. I no park my car. I stay in  
9 the middle of the street.  
10 Q. Why?  
11 A. Why, because Jose and another  
12 policeman coming and start scream, "Mario,  
13 it's police. It's arrest." I get out of my  
14 car and Mario get out of car and Jose come  
15 with handcuff on the left hand and try to  
16 hit Mario like that (indicating) and Mario  
17 go down (indicating) and that's when all  
18 three come together. That's what I saw.  
19 Q. Was it raining?  
20 A. Not really raining, little --  
21 when it's very not raining.  
22 Q. A mist?  
23 A. Yes, when it's not snow, not  
24 raining.  
25 Q. A mist?

92

A. GOMEZ

1  
2 A. Yes, not too much, very light.  
3 Q. Was it light outside or dark  
4 outside?  
5 A. Dark. They only have the  
6 lights street and my car, because my car is  
7 in the middle there.  
8 Q. Can you describe the parking  
9 lot for the police department?  
10 A. It's not happen in the parking  
11 lot. It happen in the street.  
12 Q. But your husband parked in the  
13 parking lot?  
14 A. No, he pull up in the parking,  
15 normally parking or correct parking in the  
16 street.  
17 Q. Was there a spot for you to  
18 park in?  
19 A. No. I stopped behind Mario.  
20 He parking. Jose coming. I get out of the  
21 car and everything started. I don't have  
22 time to look around looking for parking. I  
23 get out of the car as soon as I see Jose  
24 coming out of the police department.  
25 Q. Did your husband park his car?

93

A. GOMEZ

1  
2 A. Yes.  
3 Q. He turned it off?  
4 A. I not remember. I not remember  
5 but he parked the car.

6 Q. You pulled up right behind your  
7 husband?

8 A. Yes.

9 Q. Was anybody outside?

10 A. At the moment I not see nobody.  
11 I didn't focus what happened here. At the  
12 moment, I no see nobody.

13 Q. You don't know if anybody was  
14 outside when your husband pulled up?

15 A. No, only Quinoy and police  
16 coming.

17 Q. You saw Quinoy?

18 A. Yes, and other officer.

19 Q. Did you see him come outside?

20 A. Yes, he's coming outside the  
21 department. He wait for Mario outside, wait  
22 outside running like this (indicating.)  
23 Mario parking the car, get out of the car,  
24 Jose run to Mario.

25 Q. Now, you don't know what your

94

A. GOMEZ

1 husband said to Quinoy on the telephone  
2 before he drove to the police station;  
3 right?

4 MS. MARINELLI: Objection; if  
5 he said anything.

6 A. I don't know.

7 Q. You don't know whether he said  
8 something or didn't say something?

9 A. I don't know nothing.

10 Q. You don't know if he threatened  
11 Quinoy on the telephone or not, you don't  
12 know?

13 MS. MARINELLI: Objection.

14 A. I'm not home.

15 MS. MARINELLI: If you can just  
16 lower your voice a little.

17 MR. SOKOLOFF: Sorry.

18 MS. MARINELLI: I know you're  
19 getting excited. It's okay.

20 Q. Do you know an Officer Gasker?

21 A. I don't know Officer Gasker.

22 Q. Was Quinoy the only one  
23 outside?

24 A. Gasker, but I don't know him at  
25

95

A. GOMEZ

1 the time.

2 Q. Now you're saying Gasker was  
3 outside?

4 A. Yes. What I say, I know now  
5 the name is Gasker but at the moment I know  
6 another office.

7 Q. Was anybody outside besides  
8 Quinoy and Gasker?

9 A. Ebel. At the time I see three  
10 office.

11 Q. How far away from your husband  
12 were they when you first saw them?

13 A. Five feet, maybe here to here  
14 (indicating.) When I saw him five feet  
15 coming out, he running like police do and  
16 running to Mario.

17 Q. When they did that, Mario was  
18 out of the car?

19 A. Yes.

20 Q. Did you have your windows  
21 rolled up or rolled down?

22 A. No, my windows closed but I get  
23 out soon as Mario park and I see Jose and I  
24 park the car.  
25

96

A. GOMEZ

1 Q. You left your car in the middle  
2 of the street?

3 A. I leave it in the middle of the  
4 street.

5 Q. You left your car running?

6 A. Yes.

7 Q. You left your lights on?

8 A. Yes.

9 Q. Did you have windshield wipers  
10 on?

11 A. Yes, because it's automatic  
12 when it's raining or something. They  
13 sensible, they move.

14 Q. Did you hear anybody say  
15 anything?

16 A. I listen what Jose Quinoy say.  
17 He say, "It's police. I got to arrest you,"  
18 and he come to Mario and I see when he have  
19 the handcuff in the right hand and he tried  
20 to do like this (indicating) to Mario's  
21 head. Mario get down and that's when  
22 everything started.

23 Q. Did anybody tell your husband  
24 to put his hands up?  
25



97

A. GOMEZ

A. No.

Q. You didn't hear that?

A. No.

Q. What did Quinoy do with the handcuffs?

A. Tried to hit him in the head like this (indicating) and he go down (indicating.)

Q. Quinoy was holding the handcuffs?

A. In the left hand.

Q. How was he holding it?

A. I think these two (indicating) and he hold one.

Q. And he swung at your husband?

A. Yes.

Q. Were any other officers nearby when he swung the handcuffs?

A. Yeah, the two officers was there.

Q. Did he hit either one of them with the handcuffs?

MS. MARINELLI: You mean the police officers?

98

A. GOMEZ

MR. SOKOLOFF: Yes.

MS. MARINELLI: Just objection.

You can answer.

A. What did you say?

Q. When he swung the handcuffs, did the handcuffs hit anybody?

A. I don't know.

Q. What happened next?

A. They holding Mario, Mario hold Jose and Jose made order to give electricity.

MR. SOKOLOFF: Can you read back the last answer?

(Whereupon, the reporter read back the requested material.)

Q. What do you mean Mario held Jose?

A. When he do like this (indicating) Mario going down (indicating) and Jose jump with Mario, Mario hold here (indicating) like a hug here (indicating.) I think maybe he tried to protect, you know, he hold Jose.

Q. You just made some motions but

99

A. GOMEZ

can you describe in words what you just did?

A. When Jose tried to hit Mario, I don't know, he hit in the hair and Mario go down, Jose more close with Mario and Mario hold Jose like hugging her body, and that's it.

Q. Mario held Jose around his body?

A. Yeah, he hold it.

Q. Did Mario hit anybody?

A. No.

Q. Did he punch anybody?

A. No.

Q. How close were you when Mario was holding Jose around his body?

A. Three feet; very close.

Q. Did you say anything to anybody?

A. I say, "Stop it, stop." I run and go in the department and ask for help.

Q. So, you saw what was happening and then you ran away from it into the police station?

MS. MARINELLI: Objection. She

100

A. GOMEZ

didn't run away. She ran into the police department.

MR. SOKOLOFF: That's what I mean, ran away from the scene.

Q. Am I right?

A. Yes.

Q. How long were you actually there watching what was happening before you went into the police station?

A. Five minutes -- when he made order to test him and give electricity, that's when I run for help, about maybe five, ten minutes. I don't know.

Q. You were there for five, ten minutes?

A. I'm not sure. At the moment you don't think nothing, you only see. It's very hard for me that I see at the moment.

Q. Tell me everything you saw before you went into the police station.

A. When they made order to give Mario testing or electricity, the police holding Mario, Jose holding Mario, they put the handcuffs, he's on the floor and I see



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A. GOMEZ

1 this and I stay, "Stop it, stop it" and I  
 2 scream, "Help, help" I go inside the police  
 3 department and I ask for help. I didn't  
 4 stay too long because I talk with Hayes. I  
 5 said, "Please help. Come on, let's go" and  
 6 he look at me. He not say anything to me.  
 7 I running out and I scream for help and help  
 8 and help and see everything what they do to  
 9 Mario. Mario was handcuffed. They kicked  
 10 Mario's hair. They put more electricity and  
 11 Mario, when he handcuffed on the floor, they  
 12 continue to kick. I so nervous. I hold  
 13 Jose, not policeman, my friend like this and  
 14 I say, "Stop it, stop it. What are you  
 15 doing? He's on the floor." He hold me from  
 16 my jacket and he threw me, threw me to car  
 17 and on the floor.

18 Q. He threw you on the floor?

19 A. Yes. He hold me like this  
 20 (indicating) and he threw me very hard to my  
 21 car. I bump to my car and go down on the  
 22 floor.

23 Q. When Quinoy was fighting with  
 24 your husband, you grabbed onto Quinoy's  
 25

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A. GOMEZ

1 shirt?

2 A. I touch like this, (indicating)  
 3 "Jose, stop it," because he's on the floor.  
 4 One policeman have the knee on Mario's neck  
 5 and Jose kicked Mario in her head on top of  
 6 the hair and that's when I say, "Jose, Jose,  
 7 stop it, stop it. What are you doing? He's  
 8 on the floor." Mario tried to say  
 9 identification corrections department and  
 10 Ebel, he said, "Oh, this is not fucking New  
 11 York City Police Department, this is Sleepy  
 12 Hollow," and they continue to hit him.  
 13 That's when I touch Jose here (indicating)  
 14 because he have black, long sleeve shirt and  
 15 I hold him from the shirt and I say, "Jose,  
 16 Jose, stop it. What are you doing? He's on  
 17 the floor. He not do nothing," and he held  
 18 me from my jacket. I have a jacket and he  
 19 threw me between my car and the floor very  
 20 hard; strong man. He's a strong man.

21 Q. Is your husband a strong man?

22 A. No, Jose. My husband not do  
 23 it, Jose do it.

24 Q. Is your husband a strong man?  
 25

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A. GOMEZ

1 A. No, a hundred sixty-five  
 2 pounds.

3 Q. Did you see your husband get  
 4 shot with a tazer?

5 A. Oh, yes. I don't -- don't ask  
 6 me about that.

7 Q. Don't ask you about that?

8 A. Yes, I saw.

9 Q. How many times?

10 A. A lot of times.

11 Q. Who shot him?

12 A. Gasker and Ebel.

13 Q. Were you shot with a tazer?

14 A. No.

15 Q. Where did they shoot him?

16 A. In the neck here (indicating.)

17 THE WITNESS: What you call  
 18 this? (Indicating)

19 Q. Temple?

20 A. Not too close -- very close to  
 21 the temple -- not the temple, and in the  
 22 back a lot.

23 Q. You want to stop?

24 A. No, this situation affect me a  
 25

104

A. GOMEZ

1 lot.

2 MS. MARINELLI: There's no  
 3 question. You want to take a break?

4 THE WITNESS: No, no.

5 Q. Did Mario try to grab Quinoy's  
 6 neck?

7 A. No.

8 Q. Did you hear anybody give any  
 9 order to use the tazer?

10 A. Jose did.

11 Q. You heard it?

12 A. Yes.

13 Q. What did he say?

14 A. "Test, test," but I don't  
 15 understand what is that at the moment.

16 Q. What happened to you after you  
 17 fell on the ground?

18 MS. MARINELLI: Objection.

19 MR. SOKOLOFF: Withdrawn.

20 Q. Quinoy pushed you against your  
 21 car?

22 A. No, he threw me.

23 Q. He threw you where?

24 A. To the floor and my car.  
 25

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A. GOMEZ

Q. Did you stay on the ground?

A. I come down, yeah.

Q. What part of your body made contact with the ground?

A. I not really go on the ground. I more go into my car and little calm down but totally on the ground, I'm not that way.

Q. So, Quinoy threw you to your car?

A. Yes.

Q. And you hit the car?

A. Yes.

Q. And you didn't fall to the ground?

A. I hold it, you know, because I have surgery.

Q. What part of the car did your body make contact with?

A. The front.

Q. The front door?

A. No, the front with the car.

Q. Did it make any dent in the car?

A. No.

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A. GOMEZ

Q. Any scratches?

A. I not see. I not looking for scratches. I don't know.

Q. What part of your body made contact with the car?

A. All this part, (indicating) all my body go into the car because I tried to hold and not go down on floor because when he hold me like this, (indicating) he hold me hard. He move me over like that and I go over like that to my car and I tried holding my car.

Q. Were you able to hold the car before you made contact with it?

A. Not really hold it. I tried to, you know, put my hand and try not go down because I have surgery.

Q. What part of your body touched the car?

A. My rib.

Q. Your rib?

A. Yes.

Q. Which side?

A. The left side.

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A. GOMEZ

Q. Did you break a rib?

A. Well, I went -- no.

Q. What were you wearing?

A. What I wearing when?

Q. That night.

A. I went to the hospital.

Q. No, no, no.

A. I have jeans, jacket, yeah.

That's what I think I have. I have jacket and T-shirt.

Q. What were you wearing on your feet?

A. Shoes.

Q. High heels?

A. No.

Q. Describe the shoes that you were wearing; what did they look like?

A. Shoes that you put -- no -- you put your feet inside -- moccasins.

Q. In the area next to your car where you were when you say Quinoy pushed you into your car, what was the ground made out of; was it paved, was it dirt, was it grass, what was it?

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A. GOMEZ

A. The floor in the street with little wet.

Q. Was it paved concrete?

A. Concrete, yeah, in the street.

Q. After Quinoy did that to you, what happened next?

A. The police -- thank God police department Tarrytown coming and they stop the situation and they take Mario, put Mario in the police car. He made a couple orders, Jose, do this, do that. Mario sit down in the back seat of the car. He coming and he hit -- he kick Mario in her face and they taking Mario to the police department for the back. I go inside in the front. I call my daughter Haydee and Jenny come with me. I went inside for fifteen minutes and started feeling really bad, bad pain and I told my daughter, I don't know, something happened inside but I have to go with the hospital and she bring me with the hospital. I can't drive. At the time I get out of the police department I feel terrible pain. My daughter drive me to the hospital. I went

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A. GOMEZ

in the hospital. They put me medication, two or three shots for pain. I not feel well. They had to put more and I go in for x-ray, and I stayed there until around 4:00 in the morning.

Q. You were in front of the Sleepy Hollow Police Station?

A. Yes.

Q. But the Tarrytown Police came?

A. Yes.

Q. How many Tarrytown police cars came?

A. I can't say how many because I don't know.

Q. More than one?

A. Maybe. I don't know. I don't know. I'm not sure.

Q. Who put Mario in the police car?

A. Office. I'm not very familiar with the office.

Q. They put Mario in a Tarrytown Police car?

A. Sleepy Hollow.

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A. GOMEZ

Q. But it was a Tarrytown Police car that came?

A. They came to stop the situation but they put Mario in the Sleepy Hollow car in the back seat.

Q. While he was in the back seat of the police car, you saw them do something to him?

A. Yes.

Q. What did you see?

A. Jose made couple orders and come to the car and hit Mario, kicked Mario in her face.

MS. MARINELLI: His face?

THE WITNESS: Yes.

Q. Jose?

A. Jose Quinoy.

Q. What orders did he give?

A. Orders to the police do this, do this. I don't understand at the time.

Q. He hit Mario in the face?

A. Kicked.

Q. Kicked?

A. Yes.

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A. GOMEZ

Q. You were still outside?

A. Yes.

Q. You were against your car?

A. No, outside. The car here, (indicating) I'm here (indicating) and see everything what happened.

Q. The only officer who had any physical contact with you was Quinoy?

A. Only Quinoy.

Q. That's when he grabbed you on your jacket and pushed you against the police car?

MS. MARINELLI: Well, objection. She didn't use the word "push."

MR. SOKOLOFF: Well, I'm asking her.

MS. MARINELLI: Well, I'm objecting to the form of the question then because she already -- he threw her.

Q. He threw you?

A. Yes, in my car, not police car.

Q. Did your feet leave the ground?

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A. GOMEZ

A. I tried to hold my car. I not really going all my body to the ground, only, you know, no.

Q. He didn't pick you up in the air and throw you, did he?

A. He moved very hard to me to my car. He's a man, strong man.

Q. When did you go into the police station?

A. When everything is over they take Mario to the back in the car and I go inside.

Q. You didn't see Mario again that night, did you?

A. I see when I come -- yes, I see him.

Q. They took Mario to the back of the police station?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. They didn't take him in the front door, there was a back door?

A. No, in the back, in the back.

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A. GOMEZ

MR. SOKOLOFF: Let's take a lunch break.

(Whereupon, a recess was taken at 12:55 p.m., examination resumed at 1:55 p.m.)

MR. SOKOLOFF: What was the last question?

(Whereupon, the reporter read back the requested material.)

Q. You went in the front door of the police station?

A. Yes.

Q. What did you do when you went inside?

A. I tried to see what happened, what happened with Mario because I saw he bleeding and everything but they not give me any information and I was there for fifteen, twenty minutes and I left to the hospital.

Q. You were in the front?

A. Yes.

Q. Did they let you go in the back?

A. No.

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A. GOMEZ

Q. Who did you speak to in the front, if anybody?

A. Nobody.

Q. You didn't speak to anybody?

A. No, they see me but they didn't speak to me.

Q. When you said you tried to find out what happened with Mario, how did you do that if you didn't speak to anybody?

A. They come in with me but I not say anything because I see everybody inside busy. They didn't say anything to me. I sit down. Nobody come. I didn't feel good. I went to the hospital.

Q. How did you get to the hospital?

A. My daughter bring me to the hospital.

Q. How did your daughter get there?

A. When everything finished I called and she come to the police department.

Q. When you were inside the police

115

A. GOMEZ

station, that's when your daughter came?

A. No, she came after. I go in with my daughter.

MS. MARINELLI: Listen to his question. I don't think you understood his question.

Q. You went into the police station when they brought your husband into the back?

A. No, I stay outside. I call my daughter, wait for my daughter and I go in with my daughter and my daughter's cousin, all three together.

Q. Who is your daughter's cousin?

A. They say cousins but they not really cousins; Jenny.

Q. Jenny what?

A. Cabrera.

Q. Where does Jenny live?

A. I think 165 Balli Street.

Q. How do you spell it?

A. B-A-L-L-I, I think, or E-I or -- I'm not sure.

Q. In what town?

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A. GOMEZ

A. Sleepy Hollow.

Q. Did Jenny Cabrera go with you to the hospital?

A. Yes.

Q. You left your car in the middle of the street?

A. Yes, they come and yeah.

Q. You got out of your car and left it in the middle of the street, right?

When you came there behind your husband, where was your car?

A. She parked the car.

Q. Who?

A. My daughter, yeah.

Q. Where did she park it?

A. They have a parking lot in front of the police department.

Q. You say you got out of the hospital about 4:00 in the morning?

A. Yes.

Q. Your daughter stayed the whole time?

A. Yes.

Q. And Jenny Cabrera stayed the

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A. GOMEZ

whole time?

A. No?

Q. How did she get home?

A. Haydee give her a ride.

Q. Haydee came to the hospital?

A. Yes.

Q. When did Haydee come to the hospital?

A. With me.

Q. Haydee was the daughter that picked you up?

A. Yes.

Q. When you saw Haydee that night after the incident, did you talk to her about what had happened?

A. Not really.

Q. What does not really mean?

A. I not say anything. She know her father, they arrest and she bring me to the hospital. I have a lot of pain. I cry a lot, the pain. I'm so nervous because I have big surgery and he threw me very hard and I'm very nervous that something happened inside my body.

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A. GOMEZ

Q. What hospital did you go to?

A. Phelps Memorial.

Q. Bridgette stayed in the house?

A. Yes.

Q. Where did you go after you came out of the hospital 4:00 in the morning?

A. I -- when I get out, I stop at the police department and I go in. Haydee wait for me in the car outside. I saw Paul. I don't know what position he have. He's not regular policeman. I ask her about what happened with Mario's car because they take it, what I have to do to take it back and I say to him, "I'm not happy about what happened tonight." He said, "What do you want to do, do complaint?" I say, "Yes." At the time that I say yes, Jose Quinoy coming out. I don't know he's there. He coming out very close to my face on the left side to try to intimidate me very close to my face and he say, you know, that I -- he told me, "You want to play games, I arrest you," and he put me the handcuffs.

At the same time, I don't know Mario

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A. GOMEZ

there. Mario listen my voice and he scream, "Awilda," and I say, "Yes, I'm here. Everything is fine. Don't worry," and I tried to be very, you know, calm down because he was there and I seen what happened with him.

MR. SOKOLOFF: Would you read back that answer?

(Whereupon, the reporter read back the requested material.)

Q. Was anybody present, was anybody there when you had this conversation with Quinoy?

A. Yes.

Q. Who?

A. Gasker.

Q. Where was he?

A. Next to Quinoy.

Q. So, when Quinoy came out, Gasker was next to him?

A. Yes.

Q. Did Gasker say anything?

A. No.

Q. Quinoy put you in handcuffs?

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A. GOMEZ

A. Yes.

Q. In the front of the police station?

A. Yes.

Q. Then what did he do?

A. What did he do?

Q. Yes.

A. He going in -- not outside.

Everything happened in the front. He going -- opened the door going in. He put me in the little room with Gasker with me. He left for, I'd say five minutes, and he coming back to me. He asked me, "Are you okay?" I say, "Yes," and he take all the handcuffs. He bring me to her office.

Q. Who is her?

A. Jose bring me to another office and he sit down. I sit down next to him. Gasker say stand up next to me and he move the chair back and he say to me, "You know for what reason I arrest you?" I say, "No, I don't understand," and he tell me "Because I had to cover my ass. I see you in the hospital and I know you say that I threw you



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A. GOMEZ

1 on the floor."  
 2 Q. Had you filled out a complaint  
 3 form yet?  
 4 A. No.  
 5 Q. Did anything happen with Quinoy  
 6 after he said that?  
 7 A. He have a conversation with me  
 8 like a friend. He tried to ask me what I  
 9 do, I looking for lawyer, what I do for  
 10 Mario and he tell me that I do what I have  
 11 to do. I go home. They let me go home and  
 12 I stay in the precinct. I say what I have  
 13 to do. He say you know what you have to do.  
 14 MR. SOKOLOFF: Can you read  
 15 back that answer?  
 16 (Whereupon, the reporter read  
 17 back the requested material.)  
 18 Q. They let you go home?  
 19 A. No, he made the statement.  
 20 That's where he tried to tell me that I  
 21 sign. I left. He made a statement.  
 22 Everything happened in Spanish and he write  
 23 in English and he told me that he did it --  
 24 I told him, "I don't understand what  
 25

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A. GOMEZ

1 happened tonight. You be friends with  
 2 Mario." He said, "Well, I do it because  
 3 somebody have to put Mario control." I  
 4 said, "Control about what? He not do  
 5 nothing. That's her daughter," and he told  
 6 me, "Yes, that's her daughter but nobody  
 7 tell me what I have to do with Haydee. I  
 8 not going with Haydee, I going with Haydee  
 9 out." I told him, "You're talking about my  
 10 daughter, her daughter living with me. You  
 11 married, three kids. What you want? Nobody  
 12 wants something bad for daughter or son,"  
 13 and he said, "Well, I show him who have the  
 14 power." I say, "Okay." He say I made -- I  
 15 put two charge to you but it's not too bad.  
 16 I know the D.A. and maybe I talking with the  
 17 D.A. and they take it out to you and you  
 18 take -- he told me he talking with the D.A.  
 19 and maybe the D.A. made a deal with me or  
 20 take care of the charge because the reason  
 21 he did it is because he have to cover his  
 22 ass.  
 23 Q. Have you told me everything in  
 24 that conversation?  
 25

123

A. GOMEZ

1 A. Yes.  
 2 Q. Did you sign a statement that  
 3 night?  
 4 A. Yes.  
 5 Q. Was it true?  
 6 A. No.  
 7 Q. Did you understand it?  
 8 A. I not read the statement.  
 9 Q. Why not?  
 10 A. Why not, because I feeling in  
 11 the moment so nervous. I never be in  
 12 situation about that. He forgot I'm a  
 13 woman. He throw me very hard. I'm very  
 14 nervous. I never be arrested in my life. I  
 15 tried to get out and see what I do to help  
 16 Mario, looking for lawyer, you know, and he  
 17 told me it's not a big deal that I put to  
 18 you. I sign and I believe when the moment  
 19 coming everything the truth coming out. At  
 20 the moment, I think about I have to go home.  
 21 My daughter is alone. I have to see what I  
 22 do with Mario. I saw Mario with a lot of  
 23 bleeding and everything and I tried to be  
 24 whatever you want. He have the power in the  
 25

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A. GOMEZ

1 moment.  
 2 Q. Well, did you ever read the  
 3 statement?  
 4 A. No.  
 5 Q. Up until today, you never saw  
 6 it?  
 7 A. I saw. I saw the statement but  
 8 this is something very -- I believe in this  
 9 situation for no reason.  
 10 Q. Is the statement true?  
 11 A. No.  
 12 Q. Do you understand it?  
 13 MS. MARINELLI: What do you  
 14 mean do you understand it?  
 15 Q. The statement is in English;  
 16 right?  
 17 A. Yes.  
 18 Q. Do you understand it?  
 19 A. If I read, yes. Maybe I not  
 20 understand some paragraphs but I understand.  
 21 Q. Did you know when you signed  
 22 the statement that if it was false that that  
 23 was a crime to sign a false statement?  
 24 MS. MARINELLI: Objection.  
 25



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A. GOMEZ

Don't answer that.

MR. SOKOLOFF: Don't answer it?

MS. MARINELLI: Right.

MR. SOKOLOFF: On what basis?

MS. MARINELLI: What is the purpose asking that question?

MR. SOKOLOFF: I want to know if she knew it's a crime.

MS. MARINELLI: What does that have to do --

MR. SOKOLOFF: It's on the statement.

MS. MARINELLI: So.

MR. SOKOLOFF: I want to know if she knew it.

MS. MARINELLI: Why, are you going to charge her with that crime now?

MR. SOKOLOFF: I don't charge anybody with anything. That's not a basis --

MS. MARINELLI: I don't understand it. I think it's outside the scope of this deposition.

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A. GOMEZ

MR. SOKOLOFF: I don't. She signed a statement under penalty of perjury. I want to know if she knows it was penalty of perjury.

MS. MARINELLI: Was it under penalty of perjury?

MR. SOKOLOFF: He's on the statement.

MS. MARINELLI: Did you know it was under penalty of perjury?

THE WITNESS: No.

MR. SOKOLOFF: Mark this as Defendant's Exhibit A.

(Whereupon, Defendant's Exhibit A, Miranda Warning Spanish, was marked for Identification.)

MS. MARINELLI: You want her to look at it?

Q. Take a look at what's been marked for identification as Defendant's Exhibit A and tell me if you've ever seen that before.

A. Yes, I see before.

Q. What is it?

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A. GOMEZ

A. This in Spanish. You write my

--

THE WITNESS: What do you say?

A. My warrant.

MS. MARINELLI: Do you know what it is?

THE WITNESS: Yes.

Q. Miranda rights, your rights?

A. No, I not write. I only sign.

MS. MARINELLI: What do you understand it to be?

THE WITNESS: This is my writing I have to --

Q. And the second page, what's the second page?

A. That's the page that he made in the computer.

Q. Did you sign it?

A. I sign this.

Q. First page says "Miranda Warning Spanish" and it has -- it's written in Spanish; right?

A. Yes.

Q. Next to every one of those

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A. GOMEZ

items, you wrote the word si, S-I?

A. I not do it, he do it.

Q. Who is he?

A. Jose.

Q. Did you sign it?

A. Only I sign.

Q. Did you read it?

A. No, he take the paper, he write for me, reading in Spanish and he write everything.

Q. Whose signature is that?

A. This is my signature but I not take the paper. He did everything. He fill out everything. He write in English and he read everything. I do not touch the paper.

Q. Did he read it to you?

A. Yes.

Q. Did you understand when he read it to you?

A. In Spanish, yes.

Q. And why did you sign it?

A. I told you, I sign it because I never be in this situation. I be so nervous. I don't know what I have to do,

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A. GOMEZ

1  
2 and I sign.

3 Q. The second page, can you read  
4 this and tell me if you understand every  
5 word of it?

6 MS. MARINELLI: Just note my  
7 objection.

8 A. I understand. I can't  
9 translate word by word but I understand what  
10 he write.

11 Q. You understand what the last  
12 sentence, "False statements made herein are  
13 punishable as a Class A misdemeanor pursuant  
14 to Section 210.45 of the penal law of the  
15 State of New York."

16 You understand what that means?

17 MS. MARINELLI: Objection.

18 A. I no understand what that  
19 means.

20 Q. Do you know what a false  
21 statement means?

22 A. No, I don't know anything about  
23 that.

24 Q. I'm not asking you about what  
25 the law is. I'm asking if you understand

130

A. GOMEZ

1 what the words mean.

2 A. No, I don't understand.

3 Q. Tell me which words in that  
4 sentence you don't know what they mean.

5 A. I don't understand about  
6 misdemeanor or Class A misdemeanor. I don't  
7 understand what is that, you know. I don't  
8 understand.

9 Q. Everything else on the page you  
10 understand?

11 A. I understand here when he tried  
12 to explain what happened. About the section  
13 245 or penalty, I don't understand anything  
14 about that.

15 Q. Did you ask him what it means?

16 A. No.

17 Q. The top of the statement it  
18 says "I have been told by Detective Jose A.  
19 Quinoy that I have the right to remain  
20 silent and that any statements I make may be  
21 used against me in court."

22 Did he tell you that?

23 A. No.

24 MS. MARINELLI: Just objection.  
25

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A. GOMEZ

1  
2 Q. It says, "I have been told that  
3 I have the right to talk with a lawyer  
4 before answering any questions or to have a  
5 lawyer present at anytime."

6 Did he tell you that?

7 MS. MARINELLI: Objection.

8 A. No.

9 Q. It says, "Further, I have been  
10 advised if I cannot afford to hire a lawyer  
11 one will be furnished me and I have a right  
12 to keep silent until I have had the chance  
13 to talk with a lawyer."

14 Did he tell you that?

15 MS. MARINELLI: Objection.

16 A. No.

17 Q. Now, in the statement it says,  
18 "On October 17th, 2006 I received a call  
19 from my daughter, Bridgette, telling me that  
20 my husband, Mario, was leaving the house."

21 Is that true?

22 MS. MARINELLI: Objection.

23 A. She called. Yes, she called  
24 me.

25 Q. Next sentence, "I ran down to

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A. GOMEZ

1 the parking lot to see where Mario was going  
2 because Bridgette said that he was on the  
3 phone yelling and screaming."

4 Is that true?

5 MS. MARINELLI: Objection.

6 A. No.

7 Q. What is not true about it?

8 A. He yelling and she told me he's  
9 yelling on the phone.

10 Q. Next sentence says, "Mario  
11 pulled out in his car and I followed him in  
12 mine to see where he was going."

13 Is that true?

14 MS. MARINELLI: Objection.

15 A. Is not true because I know  
16 where he going.

17 Q. How did you know where he was  
18 going?

19 A. Bridgette tell me she go to see  
20 Jose in the police department. I know where  
21 he going.

22 Q. The next sentence says, "I  
23 followed Mario up to Beekman Avenue in front  
24 of police headquarters where I saw him walk  
25

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1 A. GOMEZ  
 2 up to Jose Quinoy and another police  
 3 officer."  
 Is that true?  
 MS. MARINELLI: Objection.  
 6 A. No.  
 7 Q. Then it says, "I tried to park  
 8 the car and when I looked up I saw Mario  
 9 fighting with the police."  
 Is that true?  
 MS. MARINELLI: Objection.  
 12 A. It's not true.  
 13 Q. Next sentence, "I left the car  
 14 in the street and I ran into the police  
 15 station to tell the officer at the desk to  
 16 please get some help."  
 Is that true?  
 MS. MARINELLI: Objection.  
 19 A. It's not true. Something  
 20 happened but not this thing.  
 21 Q. It says, "I was in the lobby  
 22 screaming and then I went back outside when  
 23 the other officers arrived."  
 Is that true?  
 MS. MARINELLI: Objection.

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1 A. GOMEZ  
 2 A. It's not true. I not  
 3 screaming. At the moment I no scream.  
 4 Q. It says, "I started yelling  
 5 stop, stop so they would stop fighting."  
 Is that true?  
 MS. MARINELLI: Objection.  
 8 A. It's not true. They not stop  
 9 and they not listen to me and I not scream.  
 10 Q. It says, "I then grabbed Jose  
 11 by the shirt asking him to stop screaming."  
 Is that true?  
 MS. MARINELLI: Objection.  
 14 A. No, it's not. I no scream.  
 15 Q. But you did grab him by the  
 16 shirt?  
 17 A. I touched the shirt. I don't  
 18 know what you call like that (indicating)  
 19 but I not touch her body, only the shirt.  
 20 Q. It says, "Jose grabbed me and  
 21 threw me against my car and I fell to the  
 22 ground."  
 Is that true?  
 24 A. This is true.  
 25 Q. Then it says, "I then went to

135

1 A. GOMEZ  
 2 the hospital because I had severe pain on  
 3 the left side of my body."  
 Is that true?  
 MS. MARINELLI: Objection.  
 6 A. Yes, that's true.  
 7 Q. What happened at the police  
 8 station after you signed this statement?  
 9 A. When I sign the statement, I  
 10 not read. He put on the desk and he said to  
 11 sign here. I sign. He said now he have to  
 12 take pictures and fingerprinting and when he  
 13 tried to bring me to the room he told Gasker  
 14 go put Mario in the -- what you call --  
 15 because he sit down in the fingerprint room.  
 16 We change. He's there and they take Mario  
 17 to back and that's when I go into the room  
 18 and take my fingerprints, my picture and he  
 19 say when I finish everything you going home  
 20 and you come back Monday to court and don't  
 21 worry about that.  
 22 Q. And that's what happened?  
 23 A. That's what happened.  
 24 Q. You didn't see Mario?  
 25 A. No, I see -- in the back, you

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1 A. GOMEZ  
 2 know, when they take out Mario with the room  
 3 to take a little hall and go to the back. I  
 4 no want him see me. I no want to see him.  
 5 I went in the hallway.  
 6 Q. Did you ever tell anybody at  
 7 the Sleepy Hollow Police Department that you  
 8 wanted to file a complaint?  
 9 A. Everybody know. I tell only  
 10 when I was there in the front with the  
 11 glass.  
 12 Q. Other than bringing this  
 13 lawsuit, did you file any kind of complaint  
 14 with the police?  
 15 A. No, no.  
 16 Q. Do you know who Lieutenant  
 17 Campbell is?  
 18 A. I don't know nobody there. I  
 19 know when he tried to do --  
 20 MS. MARINELLI: Do you know who  
 21 Lieutenant Campbell is?  
 22 Just answer his question.  
 23 A. No, no, I don't know.  
 24 Q. Did you go to court after this  
 25 incident?

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A. GOMEZ

1 A. Yes.

2 Q. When is the first time you went  
3 to court?

4 A. Monday, the next Monday.

5 Q. What date was that?

6 A. This happened the 17th. I  
7 think the 22nd at 3:00 in the afternoon in  
8 Sleepy Hollow.9 MS. MARINELLI: Whatever that  
10 Monday was after this incident?

11 THE WITNESS: Yes.

12 Q. Did you have a lawyer  
13 representing you at that point?

14 A. Yes.

15 Q. Who was the lawyer?

16 A. Janet Gandolfo.

17 Q. Was anybody there in the court  
18 from the Sleepy Hollow Police Department?

19 A. When?

20 Q. In the court.

21 A. No.

22 Q. Did anybody from the Sleepy  
23 Hollow Police Department ever try to talk to  
24 you after this incident?

138

A. GOMEZ

1 A. Yes.

2 Q. Who?

3 A. Campbell.

4 Q. Do you know who Campbell is?

5 A. No.

6 Q. How do you know Campbell tried  
7 to speak to you?8 A. He come with me and say he  
9 wanted see what happened but I not talk to  
10 him.11 Q. Well, how do you know it was  
12 Campbell?

13 A. Because he say her name.

14 MS. MARINELLI: His name?

15 THE WITNESS: Yes.

16 A. "I'm Campbell. I tried to do  
17 the investigation for the case," but he not  
18 talking with me. That's only what he said.  
19 My lawyer say he no want that I speak to  
20 him.21 Q. Your lawyer didn't want you to  
22 speak to him?

23 A. No.

24 Q. Did you want to speak to him?

139

A. GOMEZ

1 A. No.

2 Q. Why not?

3 MS. MARINELLI: Objection.

4 A. For what reason? One week  
5 before --

6 MS. MARINELLI: That's enough.

7 Q. When you went to court on the  
8 22nd, was Mario with you?

9 MS. MARINELLI: Just objection.

10 A. No, Mario went in court but not  
11 with me.12 Q. Didn't you give Campbell your  
13 phone number when you saw him in court?14 A. No, I no give him my phone  
15 number.16 Q. Did your husband give Campbell  
17 your phone number?

18 A. I don't know.

19 Q. Did you talk to Campbell with  
20 your husband next to you?

21 A. Yes.

22 Q. Well, tell me what the  
23 conversation was when you and your husband  
24 were talking to Campbell.

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A. GOMEZ

1 A. I no have conversation. He  
2 only ask me -- he wanted to talk to me and  
3 he want my cell phone and I say no and I not  
4 giving nobody my cell phone. They have my  
5 phone at my house. I say call to my house,  
6 and I don't have any conversation. That's  
7 the conversation that I have.8 Q. So, you told Campbell to call  
9 your house?10 A. No, I not tell call my house.  
11 I say you have my phone house and that's the  
12 phone that I give. I don't give my cell  
13 phone to nobody, and that's it. I don't say  
14 call me or nothing. He ask me for my cell  
15 phone. I say you have my phone at my house.  
16 I say I not give my cell phone with nobody.17 Q. Did he ask if he could set up  
18 an interview with you and your husband?

19 A. No.

20 Q. Did Campbell call your house?

21 A. Yes.

22 Q. How many times?

23 A. Two or three times.

24 Q. What did he do, did he speak to  
25

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A. GOMEZ

1  
2 you?  
3 A. No, they leave the message on  
the machine.  
4 Q. What did the message say?  
5 A. They -- I want to talk with  
6 Mario and me.  
7 Q. Did you call him back?  
8 A. No.  
9 Q. Did you save the message?  
10 A. No.  
11 Q. You used to live close to the  
12 Sleepy Hollow Police Department; right?  
13 A. Not close, two or three --  
14 around three or four blocks.  
15 Q. Do you know a business Village  
16 Wine & Spirits at 31 Beekman Avenue?  
17 A. No.  
18 Q. Do you know somebody named  
19 Rodney Rodriguez?  
20 A. No.  
21 Q. On the night of the incident,  
22 did you see anybody in the area who did not  
23 look like a police officer?  
24 A. No, I don't put attention about

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A. GOMEZ

1  
2 that.  
3 Q. Do you know somebody named  
4 Debra Linpress?  
5 A. No.  
6 Q. Do you know anybody who lives  
7 at 38 Beekman Avenue?  
8 A. No.  
9 Q. Do you know somebody named  
10 Eulalia, E-U-L-A-L-I-A Guzman?  
11 A. No.  
12 Q. Did your husband, Mario Gomez,  
13 throw any punches in the direction of  
14 Quinoy?  
15 A. No.  
16 Q. You didn't see that?  
17 A. No, no, nothing happened like  
18 that.  
19 Q. When you were present and saw  
20 your husband in an altercation with the  
police officers, did you hear anything that  
22 either your husband or any of the officers  
23 had said to each other?  
24 MS. MARINELLI: Objection.  
25 A. This is not New York City

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A. GOMEZ

1  
2 police department. When he tried to  
3 identify that he was corrections, I listen  
4 and one of the officers say, "Fuck New York  
5 City Corrections Department. This is Sleepy  
6 Hollow Police," and I listen when he say.  
7 Q. Were there other things that  
8 they said that you --  
9 A. I not listen nothing more.  
10 Q. When you say you didn't listen,  
11 do you mean you didn't hear or you --  
12 A. I not hear nothing, only that's  
13 what I hear.  
14 Q. Did you hear your husband,  
15 Mario, say to Quinoy, "I want to know why  
16 you're doing this to my daughter?"  
17 MS. MARINELLI: Objection.  
18 A. No.  
19 Q. You didn't hear that?  
20 A. No.  
21 Q. At anytime after this incident,  
22 did you talk to Haydee about it?  
23 A. Yes.  
24 Q. What did you talk to her about?  
25 MS. MARINELLI: Just objection.

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A. GOMEZ

1  
2 A. That's the first time that I  
3 talk about that because I don't know  
4 anything, the situation and she don't  
5 understand, too, what happened, why they  
6 come and beat things. She not say too much  
7 to me. At the moment she don't want to talk  
8 too much. She feel very bad what happened  
9 with her daddy for no reason. She no  
10 understand what happened.  
11 Q. When you say she didn't  
12 understand --  
13 A. She didn't understand what  
14 happened. She very quiet and cry. She no  
15 say nothing to me.  
16 Q. Now, you know that Mario is  
17 suing Sleepy Hollow and the police officers;  
18 correct?  
19 A. Yes.  
20 Q. Did you know that he was suing  
21 the police before you started your case?  
22 MS. MARINELLI: Objection.  
23 A. I don't know. I don't know  
24 when he did it first or I don't know nothing  
25 like that.



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A. GOMEZ

1  
2 Q. Well, did he talk to you about  
3 suing?

A. No.

Q. Did you talk to him?

A. No. It's a different case.

6 Q. What do you mean it's a  
7 different case?

9 A. He have her case with her  
10 lawyer. I have my case with my lawyer. I  
11 no talk about this.

Q. Not even with Mario?

A. No.

14 Q. Did Haydee tell you that she  
15 told Quinoy that she was having problems  
16 with her father about seeing him?

A. No, she not say anything to me.

18 Q. Did you ever hear Haydee have  
19 any arguments with Mario?

A. No.

22 Q. Did Mario tell Haydee that he  
23 was going to look for Quinoy to talk to him?

A. No.

24 Q. Did Haydee tell you why Quinoy  
25 was calling Mario?

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A. GOMEZ

2 MS. MARINELLI: When we talking  
3 about, afterwards?

MR. SOKOLOFF: Afterwards.

MS. MARINELLI: Just objection.

A. No.

7 MS. MARINELLI: Objection to  
8 this whole line of questioning.

9 Q. Do you know Mario's cell phone  
10 number?

MS. MARINELLI: Objection.

12 A. I have it but I don't know it.  
13 I have to see.

Q. Is it 914-473-3889?

MS. MARINELLI: Objection.

16 A. I have to see. I don't know in  
17 the memory (indicating.)

18 Q. Did you ever talk to Mario  
19 about the phone call that he received from  
20 Quinoy on the night of the 17th?

MS. MARINELLI: Objection.

A. No.

23 Q. You never asked him why he went  
24 to the police station?

MS. MARINELLI: Objection. She

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A. GOMEZ

2 already answered no. Now you're  
3 badgering her.

4 MR. SOKOLOFF: No, I'm not  
5 badgering her.

MS. MARINELLI: Yeah, you are.

7 MR. SOKOLOFF: No, I don't  
8 think so.

9 MS. MARINELLI: Especially with  
10 your tone of voice, too.

11 Q. Did you ask Mario why he went  
12 to the police station that night?

MS. MARINELLI: Objection.

A. No.

Q. Why didn't you ask him that?

MS. MARINELLI: Objection.

17 A. Because I find everything  
18 happened at the moment in the police  
19 department.

20 Q. Didn't you want to know why he  
21 went there?

MS. MARINELLI: Objection.

Don't answer that.

A. No.

MS. MARINELLI: Don't answer.

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A. GOMEZ

2 MR. SOKOLOFF: You're  
3 instructing her not to answer?

MS. MARINELLI: I am.

MR. SOKOLOFF: Basis is?

6 MS. MARINELLI: Badgering and  
7 it's outside the scope of this  
8 deposition as are many of the  
9 questions here.

10 Q. Was your husband in the  
11 marines?

A. Yes.

13 Q. When your husband pulled up to  
14 the police station on the night of October  
15 16th, did his car come to a screeching stop?

MS. MARINELLI: Objection.

A. I don't know. I don't know.

18 Q. When your husband got out of  
19 the car, did he slam the car door?

MS. MARINELLI: Objection.

A. No.

Q. He just closed it gently?

MS. MARINELLI: Objection.

A. Yeah, normally.

MS. MARINELLI: Objection.



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A. GOMEZ

Q. Did he leave his car in the middle of the street?

A. Mario?

Q. Yes.

A. No.

Q. Did he leave his car with the engine running?

A. I no remember.

Q. Did he leave his car with the lights on?

A. I no remember.

Q. What happened to Mario's car that night?

A. They take it.

Q. Who took it?

A. The police department.

Q. How do you know they took it?

A. They tell me.

Q. What did they say?

A. They take the car and see they have -- I don't know what they looking, but they take it.

Q. Did they give it back to him?

A. When -- yes.

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A. GOMEZ

Q. When?

A. When he get out with the precinct and court or -- then they give the car back to Mario.

Q. Did Quinoy tell your husband to put his hands on his car?

MS. MARINELLI: Objection.

A. No.

Q. Did Mario hit Quinoy with a closed fist?

MS. MARINELLI: Objection.

A. No.

Q. Did he hit him at all?

MS. MARINELLI: Objection.

A. No.

Q. Mario Gomez made no physical contact with Quinoy?

MS. MARINELLI: Objection.

A. No.

Q. He never touched him?

A. When they -- when he come close and he hold in the body. That's only what I saw.

Q. Did you have an obstructed

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A. GOMEZ

view?

Do you know what that means, obstructed?

A. No, what it does?

Q. Means something was blocking you.

A. No.

Q. Did Quinoy grab your husband's arm?

MS. MARINELLI: Objection.

A. Quinoy what?

Q. Did he grab your husband's arm?

A. No.

MS. MARINELLI: Objection.

This is beyond the scope of her deposition, these questions about what happened to Mario Gomez.

I don't understand why -- how this goes to qualified immunity as to this plaintiff.

MR. SOKOLOFF: Because she was part of the incident.

MS. MARINELLI: No, she wasn't part of this incident.

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A. GOMEZ

MR. SOKOLOFF: Yes, she was.

MS. MARINELLI: What happened to her is separate.

MR. SOKOLOFF: I know you say that but they were in the middle of a fight when she say she grabbed the police officer's shirt.

I'm not going to debate it on the record in front of the witness but it also goes to the clarity of her memory of the incident which goes to her testimony and it goes to the weight of it.

MS. MARINELLI: But you keep repeating the same questions that you've already gone on.

MR. SOKOLOFF: That's a different thing --

MS. MARINELLI: -- which I permitted even though I believe it's outside the scope, so I'm going to object to these questions and advise her not to answer.

MR. SOKOLOFF: We'll make a

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A. GOMEZ

record and we'll see whether the court instructs you not to answer knowing full well that the rules, local and federal don't permit you to instruct the witness not to answer.

MS. MARINELLI: Knowing full well that the scope of this deposition is to qualified immunity as to this witness.

MR. SOKOLOFF: You know what, I'll take my risk that I'm violating rules and you guide yourself accordingly.

MS. MARINELLI: Thank you, I'll do that.

Q. Did your husband put up any kind of a struggle?

A. What is that?

Q. Fight, resist; do you know what resist --

MS. MARINELLI: Objection. Don't answer that. She asked you a nice, simple question what do you mean by struggle and you're being

154

A. GOMEZ

very rude.

MR. SOKOLOFF: You know what, ask your lawyer to translate. I'm not allowed so you ask your lawyer.

MS. MARINELLI: Do it in not such a loud --

MR. SOKOLOFF: I didn't mean anything by it.

MS. MARINELLI: You're speaking loud and intimidating which can't go on the record.

Q. Do you feel intimidated?

A. Sometimes I feel you strong when you do question and I feel why you do to me. I don't do nothing wrong what happened that night.

Q. And you're smiling now?

A. I'm little nervous. I'm here to put everything clear in the right coming up.

MS. MARINELLI: And she wasn't smiling.

A. I'm not smiling. I try to put -- the other question you tell me I try to

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A. GOMEZ

tell the truth what happened. I'm not feeling I delinquent. I do nothing wrong.

MS. MARINELLI: Let's go back and ask your question again, Mr. Sokoloff.

Q. How many times did they shoot your husband with the tazer?

MS. MARINELLI: Objection.

Asked and answered. Over objection.

A. A lot of times.

Q. After the first time, did your husband continue to fight?

A. No.

MS. MARINELLI: Objection. She never said he fought in the first place.

A. He no fight.

Q. He didn't struggle?

A. No.

Q. He laid down and gave up?

A. He say, "That's enough. That's enough," and they put the handcuff.

Q. Did your husband kick anybody?

A. No.

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A. GOMEZ

Q. Did Quinoy get any injuries in the fight with your husband?

A. I don't know. I don't know.

Q. Well, when you saw him later in the night, did he have any marks on his face?

A. I no really see nothing.

Q. You didn't see anything?

A. No.

Q. When you pulled on Quinoy's shirt, did he say anything to you?

MS. MARINELLI: Objection.

A. No. He hold me and throw me on the ground.

Q. Did he tell you to stop?

A. No.

Q. Did your husband have a baton?

A. What is that?

MS. MARINELLI: Objection.

Q. Do you know what a baton is, like a big stick?

A. I don't know. I no see nothing like that.

Q. Well, when he was a corrections

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A. GOMEZ

1 officer --

2 A. He no bring nothing to my

3 house.

4 Q. Do you know whether he had

5 anything with him in the car when he came to

6 meet Quinoy?

7 A. No.

8 Q. You don't know?

9 A. No, they no have because they

10 take the car and they give the car back

11 because they no see any evidence.

12 Q. How do you know that?

13 A. They say in court.

14 Q. Did they not find a baton,

15 expandable baton?

16 A. No, they no say anything about

17 that.

18 Q. What time of day or night or

19 morning, whatever, did you go back to police

20 headquarters to get your car?

21 A. 4:00 in the morning.

22 Q. Was it 4:30 in the morning?

23 A. Around 4:00.

24 Q. Do you know what you were

25

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A. GOMEZ

1 charged with when you were arrested?

2 A. No.

3 Q. Now, you're suing in this case

4 a Police Officer Eldryk Ebel; correct?

5 A. Yes.

6 Q. He never touched you, did he?

7 MS. MARINELLI: Objection.

8 A. No.

9 Q. What did he do to you?

10 MS. MARINELLI: Objection.

11 A. Physical, nothing; emotional, a

12 lot. I see they do with the people in the

13 face affect me a lot, changed my life.

14 Q. Did he talk to you?

15 A. No.

16 Q. So, you're suing him because of

17 something he did to your husband?

18 MS. MARINELLI: Objection.

19 A. No, affect me emotional that I

20 saw that night.

21 Q. Focusing on Officer Ebel, tell

22 me what it is that you saw him do that

23 changed your life.

24 MS. MARINELLI: Objection.

25

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A. GOMEZ

1 A. A lot of abuse, a lot of

2 electricity for no reason and I saw -- I

3 have an idea the police is for protect the

4 people, not do -- they abuse. They do it.

5 If I do something wrong, I understand

6 something happened but for no reason changed

7 my life emotional. I have panic to go out.

8 I never went in psychiatric. I went

9 psychiatric. I lose my job. Emotional I

10 feel like nothing, okay. I scared about go

11 take another job because I think it's not

12 finished, they not give me the job. I stay

13 in my house. When dark coming, I close the

14 window because I think somebody look at me;

15 changed a lot my life. Changed my family

16 life, my kids' life because they not see

17 mommy the same as before.

18 Q. Now, as far as you knew up

19 until that point Quinoy was a friend of your

20 family and a friend of yours?

21 A. What you say?

22 Q. Up until that night you thought

23 that Quinoy, Officer Quinoy was a friend of

24 yours and a friend of your family; correct?

25

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A. GOMEZ

1 A. Well, that's what I think but

2 you never know what people do and people

3 feeling. Sometimes you think people is your

4 friend. He's not.

5 Q. Did he ever do anything before

6 that night that made you think he wasn't

7 your friend?

8 MS. MARINELLI: Just objection.

9 A. No, never.

10 Q. What does Officer Eldryk Ebel

11 look like?

12 MS. MARINELLI: Objection.

13 A. Look like, like what?

14 Q. Tell me, color hair, mustache,

15 face, is he tall?

16 MS. MARINELLI: Objection.

17 You know, look, you can ask her

18 questions but please stop yelling at

19 her.

20 MR. SOKOLOFF: I'm not yelling

21 at her.

22 MS. MARINELLI: I think we need

23 to take a break.

24 MR. SOKOLOFF: I'm not yelling.

25

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A. GOMEZ

MS. MARINELLI: Yes, you are.

MR. SOKOLOFF: I think -- I really recent something that you're putting on the record when it isn't the case.

MS. MARINELLI: It is the case.

MR. SOKOLOFF: No, it isn't.

MS. MARINELLI: Let's go outside. You really need to bring it down a notch, come down a notch.

MR. SOKOLOFF: It's really not right.

MS. MARINELLI: This is a deposition. It's not trial when you might have a little leeway in the courtroom.

Maybe you're not aware of it. I'm just trying to make you aware of it.

MR. SOKOLOFF: Well, there's a lot of things you're not aware of including your reactions to questions and your body language.

MS. MARINELLI: She's answering

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A. GOMEZ

your questions. Please don't even go there.

MR. SOKOLOFF: I'm talking about you.

MS. MARINELLI: Don't even go there, okay.

Just lower your gosh darn voice, please.

(Whereupon Ms. Marinelli and Ms. Gomez exited the room.)

Q. Now, I don't want you to tell me anything that was said between you and your lawyer. I just want to know while we had a break did you talk to your lawyer?

A. I talk, yeah.

Q. And she spoke to you?

A. Yes.

MR. SOKOLOFF: You know, that was during a pending question.

MS. MARINELLI: What was the pending question?

MR. SOKOLOFF: What did the officer look like?

You can say what you want. No,

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A. GOMEZ

no, hold on. You can say what you want about my tone of voice and put whatever one sided statement you want on the record, but one thing is clear that what happened was totally inappropriate. You can't take the witness out of the room during a pending question.

MS. MARINELLI: I don't disagree with you, Mr. Sokoloff. I was not aware there was a pending question and I don't disagree with you. Had I known that, I would have let her answer it and then I would have gone out.

MR. SOKOLOFF: Okay, let's get the answer.

Q. What does Ebel look like?

A. I don't really know. I know he have blonde hair.

MS. MARINELLI: Blonde hair, you said?

THE WITNESS: Not blonde, blonde; white, not too tall.

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A. GOMEZ

Q. How old is he?

A. I don't know.

Q. You're also suing Police Officer Mike Gasker; correct?

A. Yes.

Q. He never touched you that night, did he?

A. Yes.

Q. He did touch you?

A. No, no, he no touch me.

Q. He never said anything to you that night, did he?

A. No.

Q. So why are you suing him?

A. Because they not do nothing. They have to do something.

Q. What do you mean?

A. When everything happened, they have to do the correct thing.

Q. Which is what?

A. Help me do something. They see the situation. They not do the correct the officers supposed to do.

Q. And that's the incident with

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A. GOMEZ

1 your husband?

2 MS. MARINELLI: Objection.

3 Q. When you say they're supposed

4 to do, you mean with regard to your husband?

5 A. My husband, me, everything.

6 Q. What should they have done with

7 regard to you?

8 A. To me?

9 Q. Yes.

10 A. Normally officers do not abuse

11 nobody and do what they have to do, not the

12 way that they do it.

13 Q. What should Gasker have done?

14 MS. MARINELLI: Well,

15 objection; if you know.

16 MR. SOKOLOFF: Well, she said

17 they didn't do the right thing. I

18 want to find out what she thinks the

19 right thing is.

20 A. They not help me.

21 Q. Help you do what?

22 MS. MARINELLI: Get up from the

23 ground, maybe.

24 MR. SOKOLOFF: Mark that.

25

166

A. GOMEZ

1 MS. MARINELLI: I'm going to

2 object because you keep asking her

3 the same question. You're badgering

4 her.

5 A. They not help me. They not

6 help me.

7 MS. MARINELLI: You answered

8 the question, Awilda.

9 Q. Help you do what?

10 A. With everything. They see a

11 woman coming down, nobody ask me, "Are you

12 okay?" Nobody try to come with me, try to

13 see the situation, nothing. Nobody do

14 nothing, nothing.

15 Q. They should have asked you if

16 you were okay?

17 A. Nobody asked me nothing.

18 Q. Did you tell any of the

19 officers that night that you were hurt?

20 A. No.

21 Q. You're suing Lieutenant Barry

22 Campbell; is that correct?

23 A. Yes.

24 Q. What does Officer Gasker look

25

167

A. GOMEZ

1 like?

2 A. Tall, skinny, dark hair.

3 Q. Did you ever see him before

4 October 16th, 2006?

5 A. No.

6 Q. Did you ever see him after

7 then?

8 A. I no remember see.

9 Q. You saw him for about five

10 minutes?

11 MS. MARINELLI: Just objection.

12 A. No.

13 Q. How long did you have to see

14 him?

15 A. I say when everything happened

16 and when I went -- I saw him really when

17 Jose Quinoy arrest me. He in the room with

18 me.

19 Q. Did you see Ebel do anything to

20 your husband?

21 A. Anything about what?

22 Q. Did you see Ebel strike your

23 husband?

24 MS. MARINELLI: Objection.

25

168

A. GOMEZ

1 A. Yes.

2 Q. Explain to me what Ebel did to

3 your husband.

4 MS. MARINELLI: Objection.

5 A. Put underneath the neck. He's

6 on the ground, put electricity, hit her like

7 this (indicating.)

8 MS. MARINELLI: When you say

9 her, him?

10 A. To Mario like this

11 (indicating.) Mario on ground like that

12 (indicating) and he come with the feet in

13 the face. I saw that.

14 Q. That was Ebel?

15 A. Ebel and he put a lot of

16 electricity with Mario.

17 Q. Did you see Gasker do anything

18 to your husband?

19 A. Yes.

20 Q. Tell me what you saw Gasker do.

21 A. Put the electricity.

22 Q. How many times?

23 A. More than one time. He put

24 close to here (indicating.) Gasker did it.

25



169

A. GOMEZ

Q. Close to where?

A. What you call here (indicating) this part?

MS. MARINELLI: Talking about the forehead.

A. He have electricity.

MR. SOKOLOFF: She's not pointing to her forehead.

A. Doctor say something about the area because they give you electricity between here, between the hair and this part (indicating) and he give --

Q. Above your eye brow?

A. No.

Q. Your temple?

A. Yes, the temple. Thank you. He give lot electricity in her back.

Q. Anything else?

A. He didn't ask me nothing to me, "Are you okay," nothing. Nobody help me.

Q. I'm talking about your husband. Did you see Gasker do anything else to your husband?

MS. MARINELLI: Just objection.

170

A. GOMEZ

A. That's what I see, he put a lot of electricity.

Q. You're suing Lieutenant Barry Campbell?

A. Yes.

Q. He never touched you, did he?

A. No.

MS. MARINELLI: Objection.

Q. He never said anything to you, did he?

A. No.

MS. MARINELLI: Objection.

Q. Did he touch your husband?

MS. MARINELLI: Objection.

A. No.

Q. So, why are you suing him?

MS. MARINELLI: Just objection.

A. I sue him because he not do -- he's in charge with investigation and he tried to contact me one week after happened, the incident. That's when he tried to contact me when he see me in court. What happened with the rest of the week? Nobody care about what happened to me. I have

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A. GOMEZ

pain. They know I went in the hospital and nobody call me, nobody say nothing. After one week when I come back to court, that's when he want to come to me and open investigation.

Q. You're suing him because he tried to investigate the incident?

A. No, he not do the way he have to do.

Q. What do you mean?

A. He not do -- he not ask me for what I feeling, nothing. He don't care about me. That's why I sue him.

Q. Why didn't you sue the whole police department?

MS. MARINELLI: Objection.

That's argumentative.

Please, don't even answer that.

Q. You're suing Sergeant Wood?

A. Yes.

Q. What is Wood's first name?

A. I don't know the name.

Q. Did you ever see Campbell before this incident, Lieutenant Campbell?

172

A. GOMEZ

A. No.

Q. Did you ever see Sergeant Wood before this incident?

A. No.

Q. Did you ever see Sergeant Wood after this incident?

A. No.

Q. Sergeant wood never touched you, did he?

A. No.

Q. Sergeant Wood never talked to you, did he?

A. No.

Q. Did Sergeant Wood do anything to your husband?

MS. MARINELLI: Just objection.

A. I'm confused. Who is this policeman?

Q. One of the people you're suing, Sergeant Wood.

A. What's the name?

Q. Wood, W-O-O-D.

Do you even know --

A. Yes, I know who he is now.



173

A. GOMEZ

1  
2 Q. So, did he do anything to your  
3 husband?

MS. MARINELLI: Objection.

4 A. He didn't do what he have to do  
5 and the same with the rest of the policemen.

6 Q. Was Sergeant Wood even there  
7 that night?

8 A. Yes.

MS. MARINELLI: Objection.

9 Q. What did you see him do to your  
10 husband, if anything?

MS. MARINELLI: Objection.

11 A. Nobody helped, nobody do  
12 nothing.

13 MR. SOKOLOFF: I move to  
14 strike.

15 Q. What did you see him do to your  
16 husband, if anything?

MS. MARINELLI: Objection.

17 A. The reasons that I sue because  
18 he not do nothing.

19 Q. I didn't ask you that.

20 I asked you, did you see him do  
21 anything to your husband?

174

A. GOMEZ

MS. MARINELLI: Objection.

1 A. No.

2 Q. You're suing also the police  
3 chief?

4 A. Yes.

5 Q. Was he there that night?

6 A. No.

7 Q. Was he in contact with anybody  
8 that night that you're aware of?

9 A. I saw him.

10 Q. When?

11 A. In the hospital.

12 Q. I'm talking about --

MR. SOKOLOFF: Withdrawn.

13 Q. Did you talk to him at the  
14 hospital?

15 A. I tried to talk to him and he  
16 not put attention to me. I call him three  
17 times and he not coming to see me.

18 Q. You knew what he looked like?

19 A. Yes.

20 Q. How do you know what he looked  
21 like?

22 A. I saw him.

175

A. GOMEZ

1 Q. When?

2 A. In the hospital.

3 Q. Did you ever see him before  
4 then?

5 A. In the street.

6 Q. Do you know why he was at the  
7 hospital?

8 A. No.

9 Q. Was Officer Quinoy at the  
10 hospital?

11 A. Yes.

12 Q. What was Officer Quinoy doing  
13 at the hospital?

MS. MARINELLI: Objection.

14 A. I don't know.

15 Q. Was he there for his own  
16 injuries?

17 A. I don't know.

MS. MARINELLI: Objection.

18 A. I don't know. I not talking  
19 with nobody there. I don't know for what  
20 reason.

21 Q. Did the chief go to the  
22 hospital to visit Quinoy?

176

A. GOMEZ

MS. MARINELLI: Objection.

1 A. I don't know. They --

2 MS. MARINELLI: Just answer the  
3 question.

4 You don't know?

5 A. I don't know.

6 Q. Chief Warren never touched you;  
7 correct?

8 A. No.

9 Q. Chief Warren never said a word  
10 to you; correct?

11 A. No.

MS. MARINELLI: Objection.

12 A. Yes.

13 Q. Chief Warren never touched your  
14 husband; correct?

MS. MARINELLI: Objection.

15 A. Yes.

16 Q. Chief Warren never said a word  
17 to your husband; correct?

MS. MARINELLI: Objection.

18 A. Yes.

19 Q. And you're suing Chief Warren  
20 why?

177

A. GOMEZ

MS. MARINELLI: Objection.

A. Well, I call him in the hospital and he not have a conversation but he say, "I going now. I going now" and he never came with me.

Q. That's why you're suing?

MS. MARINELLI: Objection. A lot of these -- you're asking her legal questions.

MR. SOKOLOFF: I'm asking what she understands. She's a plaintiff.

MS. MARINELLI: I think it's improper; objection.

MR. SOKOLOFF: We disagree.

Q. Are you suing him for anything else?

A. He not do what he have to do.

Q. Which means what?

A. He not help me.

Q. Help you when?

MS. MARINELLI: Objection.

A. When he see me.

Q. In the hospital?

A. Yes.

178

A. GOMEZ

MS. MARINELLI: Objection.

Q. What did you want him to do when you were in the hospital?

MS. MARINELLI: Objection.

MR. SOKOLOFF: Simple question.

A. What I want with him?

Q. What did you want him to do when you saw him in the hospital?

MS. MARINELLI: Objection.

A. Nothing. I only ask about where is Mario and he -- and the position that he have, I don't think so do nothing. He say you have to wait for the process or something like that. He ignore me totally. He only say, "I going now. I going now." He never came. I no ask something personal or something about nothing. He ignore me. He's a chief.

Q. Did you ever talk to anybody about this incident other than your lawyer?

A. No.

Q. Never spoke to a newspaper reporter about it?

A. No.

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A. GOMEZ

Q. When you were told that you were losing your job, did you give an explanation to anybody about what happened that night?

A. Where, at my job?

Q. Yes.

A. They find in the newspaper.

Q. But I'm asking you whether you told anybody your side of the story?

A. Yeah, I say what happened and they read what happened.

Q. Who was it that you told at your job what happened?

A. What did you say?

Q. Who was it that you told at your job what happened?

A. Barbara when she made a meeting with me when she read the newspaper, Barbara and Heather.

Q. The two of them you told what happened?

A. Yes.

Q. Barbara Sommers and Heather Batanor?

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A. GOMEZ

A. Yes.

MR. SOKOLOFF: I have no further questions.

Thank you.

(Whereupon this examination concluded at 3:07 p.m.)

AWILDA GOMEZ

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Notary Public

## C E R T I F I C A T E

STATE OF NEW YORK       )  
                                  ) ss.:  
COUNTY OF WESTCHESTER)

I, LISA DOBBO, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That AWILDA GOMEZ, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me, and that such  
deposition is a true record of the testimony  
given by the witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no  
way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 29th day of  
February, 2008.

-----  
LISA DOBBO  
SHORTHAND REPORTER

## ERRATA SHEET

The following corrections, additions  
or deletions were noted on the transcript of  
the testimony which I gave in the  
above-captioned matter held on 2/26/08:

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-----  
AWILDA GOMEZ

Subscribed and sworn to  
before me this\_\_\_\_day  
of\_\_\_\_\_, 2008.

-----  
Notary Public

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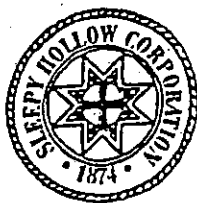
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**Exhibit D**





TELEPHONE  
(914) 631-0800



JIMMY WARREN  
CHIEF OF POLICE

# Police Department

Village of Sleepy Hollow, N.Y. 10591

DEFENDANT'S

EXHIBIT NO. A  
FOR IDENTIFICATION  
DATE 2-26-08 RPT# 20

## MIRANDA WARNING SPANISH

DEFENDANT ANILDA GOMEZ

CASE # 3/8-02

DATE 10-18-06

TIME 1603HRS

CONSTITUTIONAL RIGHTS (SPANISH)

DERECHOS CONTITUCIONALES DEL ACUSADO.

- (1) Usted tiene el derecho de mantenerse en silencio, y de no contestar preguntas. Usted entiende? Contesta SI
- (2) Cualquier cosa que usted diga puede y podra ser usado en contra de usted en una corte de ley. Usted entiende? Contesta SI
- (3) Usted esta en el derecho de tener un abogado con usted antes y durante de cualquier interrogatorio. Usted entiende? Contesta SI
- (4) Si usted no tiene recursos para obtener un abogado, uno les sera determinado para que le represente antes de cualquier interrogatorio si usted lo desea. Usted entiende? Contesta SI
- (5) Usted puede decidir en cualquier tiempo, ejercer estos derechos y no contestar al interrogatorio, o hacer una declaracion. Usted entiende? Contesta SI
- (a) Entiende usted cada uno de estos derechos que lo ha explicado? Contesta SI  
si/no
- (b) Teniendo en cuenta estos derechos, quiere usted hablar con nosotros ahora? Contesta SI

Firma del Acusado/Testigo

Anilda Gomez

Officers Signiture

Det. [Signature]

Badge#

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SLEEPY HOLLOW POLICE DEPT.  
STATEMENT OF ADMISSIONPage 1 of 1DATE .....: 10/18/2006

D.D. NUMBER...: \_\_\_\_\_

STATEMENT OF: AWILDA GOMEZCASE REPORT #: SH-00318-06

MY NAME IS AWILDA GOMEZ . I AM 42 YEARS OLD HAVING BEEN BORN ON 02/20/1964, I RESIDE AT:

1 RIVER PLAZA  
SLEEPY HOLLOW, NY 10591-

MY TELEPHONE NO. IS (914)366-8246 AND I AM EMPLOYED BY: AS A/AN

I HAVE BEEN TOLD BY DET JOSE A. QUINOY THAT I HAVE THE RIGHT TO REMAIN SILENT AND THAT ANY STATEMENTS I MAKE MAY BE USED AGAINST ME IN COURT. I HAVE BEEN TOLD THAT I HAVE THE RIGHT TO TALK WITH A LAWYER BEFORE ANSWERING ANY QUESTIONS OR TO HAVE A LAWYER PRESENT AT ANY TIME. FURTHER I HAVE BEEN ADVISED THAT IF I CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE FURNISHED ME AND I HAVE THE RIGHT TO KEEP SILENT UNTIL I HAVE HAD THE CHANCE TO TALK WITH A LAWYER.

I UNDERSTAND MY RIGHTS AND MAKE THE FOLLOWING STATEMENT FREELY AND VOLUNTARILY. I AM WILLING TO GIVE THIS STATEMENT WITHOUT TALKING WITH A LAWYER OR HAVING ONE PRESENT.

ON OCTOBER 17, 2006 , I RECEIVED A CALL FROM MY DAUGHTER BRIDGET TELLING ME THAT MY HUSBAND MARIO WAS LEAVING THE HOUSE. I RAN DOWN TO THE PARKING LOT TO SEE WHERE MARIO WAS GOING BECAUSE BRIDGET SAID THAT HE WAS ON THE PHONE YELLING AND SCREAMING. MARIO PULLED OUT IN HIS CAR AND I FOLLOWED HIM IN MINE TO SEE WHERE HE WAS GOING. I FOLLOWED MARIO UP TO BEEKMAN AVE IN FRONT OF POLICE HEADQUARTERS WHERE I SAW HIM WALK UP TO JOSE QUINOY AND ANOTHER POLICE OFFICER. I TRIED TO PARK THE CAR AND WHEN I LOOKED UP, I SAW MARIO FIGHTING WITH THE POLICE. I LEFT THE CAR IN THE STREET AND I RAN INTO THE POLICE STATION TO TELL THE OFFICER AT THE DESK TO PLEASE GET SOME HELP. I WAS IN THE LOBBY SCREAMING AND THEN I WENT BACK OUTSIDE WHEN THE OTHER OFFICERS ARRIVED. I STARTED YELLING "STOP" "STOP" SO THEY WOULD STOP FIGHTING. I THEN GRABBED JOSE BY THE SHIRT, ASKING HIM TO STOP, SCREAMING. JOSE GRABBED ME AND THREW ME AGAINST MY CAR AND I FELL TO THE GROUND. I THEN WENT TO THE HOSPITAL BECAUSE I HAD SEVERE PAIN ON THE LEFT SIDE OF MY BODY.

I AM AT THE SLEEPY HOLLOW POLICE DEPT. WHERE I AM GIVING THIS STATEMENT TO DET JOSE A. QUINOY WHO IS TYPING IT FOR ME AND I HAVE READ IT AND IT IS THE TRUTH.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

WITNESS: Det. [Signature]SIGNATURE: Awilda Gomez